

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-NINTH PARLIAMENT**

**FIRST SESSION**

**THURSDAY, 19 MARCH 2020**

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## **The Lieutenant-Governor**

The Honourable KEN LAY, AO, APM

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**Deputy Leader of the Parliamentary Labor Party and Deputy Premier**

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**Leader of the Parliamentary Liberal Party and Leader of the Opposition**

The Hon. MA O'BRIEN

**Deputy Leader of the Parliamentary Liberal Party**

The Hon. LG McLEISH

**Leader of The Nationals and Deputy Leader of the Opposition**

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Mr KA WELLS

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*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

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**FIFTY-NINTH PARLIAMENT—FIRST SESSION**

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Allan, Ms Jacinta Marie	Bendigo East	ALP	McCurdy, Mr Timothy Logan	Ovens Valley	Nats
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Hodgett, Mr David John	Croydon	LP	Vallence, Ms Bridget	Evelyn	LP
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Kilkenny, Ms Sonya	Carrum	ALP	Wynne, Mr Richard William	Richmond	ALP

**PARTY ABBREVIATIONS**

ALP—Labor Party; Greens—The Greens;  
Ind—Independent; LP—Liberal Party; Nats—The Nationals.

## **Legislative Assembly committees**

### **Economy and Infrastructure Standing Committee**

Ms Addison, Mr Blackwood, Ms Connolly, Mr Eren, Mr Rowswell, Ms Ryan and Ms Theophanous.

### **Environment and Planning Standing Committee**

Mr Cheeseman, Mr Fowles, Ms Green, Mr Hamer, Mr McCurdy, Mr Morris and Mr T Smith.

### **Legal and Social Issues Standing Committee**

Ms Couzens, Ms Kealy, Mr Newbury, Ms Settle, Mr Southwick, Ms Suleyman and Mr Tak.

### **Privileges Committee**

Ms Allan, Mr Guy, Ms Hennessy, Mr McGuire, Mr Morris, Ms Neville, Mr Pakula, Ms Ryan and Mr Wells.

### **Standing Orders Committee**

The Speaker, Ms Allan, Mr Cheeseman, Ms Edwards, Mr Fregon, Ms McLeish, Ms Sheed, Ms Staley and Mr Walsh.

## **Joint committees**

### **Dispute Resolution Committee**

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

*Council:* Mr Bourman, Ms Crozier, Mr Davis, Ms Mikakos, Ms Symes and Ms Wooldridge.

### **Electoral Matters Committee**

*Assembly:* Ms Blandthorn, Mr Guy, Ms Hall and Dr Read.

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

### **House Committee**

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

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

### **Integrity and Oversight Committee**

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

*Council:* Mr Grimley and Ms Shing.

### **Public Accounts and Estimates Committee**

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

*Council:* Mr Limbrick and Ms Stitt.

### **Scrutiny of Acts and Regulations Committee**

*Assembly:* Mr Burgess, Ms Connolly and Ms Kilkenny.

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

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**Thursday, 19 March 2020**

**The SPEAKER (Hon. Colin Brooks) took the chair at 9.32 am and read the prayer.**

**Announcements**

**ACKNOWLEDGEMENT OF COUNTRY**

**The SPEAKER (09:33):** We acknowledge the traditional Aboriginal owners of the land on which we are meeting. We pay our respects to them, their culture, their elders past, present and future, and elders from other communities who may be here today.

**IT UPDATE**

**The SPEAKER (09:33):** Before members abscond, just a quick reminder. I have just emailed members of the Assembly with a really important piece of IT update advice. I will not go into too much detail in a public environment, but if members can please check their emails and take the actions that have been set out in that email.

**Mr Wells:** On a point of order, Speaker, in regard to the amendment to the motion and the motion put forward by the Leader of the House yesterday, I draw your attention to standing order 33(1), which talks about the adjournment debate and provides that it will last for a maximum of 30 minutes or until 10 members have spoken. Also, in regard to members statements, standing order 40 sets out the time limit as a maximum of 30 minutes. They are part of the standing orders, but when we look at the amendment to the motion and what was agreed to overall by the house there are no limits in regard to members statements for Thursday and the adjournment matters for Wednesday and Thursday. Do we take it, because of the way the motion has been written, that there are no limits on members statements and adjournment matters that the opposition can put forward?

**The SPEAKER:** I thank the Manager of Opposition Business for raising the point of order. The resolution of the house was to suspend so much of standing and sessional orders, so I would rule that—and this is for the clarification and guidance of the house—the numbers of adjournments and members statements should be those that have been previously accepted through custom and practice. That would be 10 adjournment items and 20 members statements.

**Mr WELLS:** On a further point of order, Speaker, from that ruling do we take it that in future amendments in regard to motions they will actually have the numbers put in, so that there is clarity for the opposition when we are actually debating these motions?

**The SPEAKER:** I did not draft the motion that was put to the house yesterday. It was carried by the house. I am providing some clarity to the Manager of Opposition Business on the issue that has been raised.

**Ms Staley:** On a point of order, Speaker, on the ruling that you have just made, normally while there may be certain speaking lists, for example, the practice of the house is that you stand up and you make your adjournment or your members statement, and if you miss the call then you miss the call. Given that there is no call, what is the practice—given that it is not in the motion—if they are now limited by the previous practice? Do you understand what I am saying? How do you pick what are the 20? Do we get 20?

**The SPEAKER:** I would imagine that the same practices that occur at the moment, where the clerks provide proportionate listing to each side of the house, will continue. I just remind members that, firstly, if the will of the house is different to my ruling, I am happy to accommodate that. This is a change to the way we operate—mind you, for today only—but I am happy if the house has come to an agreement to change that approach. I do remind the house that if there were a significant number of members statements or adjournments lodged it would create some difficulties for the Assembly

department to process, but we will endeavour to do our best if there is indeed a change. My ruling would be that we stick to the 10 and 20 respectively.

**Mr Battin:** On a point of order, Speaker, yesterday the motion put before the house was to delay, to move off or to finalise the sitting from 3 o'clock yesterday, taking away the opportunity for our side of Parliament to have grievances or for any member of Parliament to put things on the record. I went through in detail during my contribution the things that we will miss out on and how we cannot stand up for our electorates during this time. During that I had an interjection from the other side of, 'It's because we should be back in our community', and I seek your guidance. When we finished at 3 o'clock yesterday was the position of the government that we should be going back out into our communities and continuing our work or having a gathering on the rooftop of the new building out the back and having a beer? Five Labor members decided not to separate or to stay in isolation but actually to sit up there and to have a beer. The community do need to know that if the Parliament and the government want to go outside and have beers at 3 o'clock, when they have adjourned the house and silenced this side of the house, that is a disgrace.

*Members interjecting.*

**The SPEAKER:** Order! The Leader of the House! There is no point of order.

**Mr R Smith:** On a point of order, Speaker, if the government wants to shut down Parliament to go and have a beer, and if the member for Mordialloc—

**The SPEAKER:** Order! The member for Warrandyte will resume his seat.

**Mr R Smith** interjected.

**The SPEAKER:** Order! The member for Warrandyte can leave the chamber for the period of 1 hour.

**Mr R Smith** interjected.

**The SPEAKER:** Order! Ninety minutes.

**Member for Warrandyte withdrew from chamber.**

**Mr Battin:** On a point of order, Speaker, in relation to the point of order that I just raised, we did not actually get a ruling from the Speaker in relation to—

**The SPEAKER:** Order!

**Mr Battin:** Maybe we can talk about—

**The SPEAKER:** Order! The member for Gembrook will resume his seat, in silence. I ruled that there was no point of order.

### Petitions

**Following petitions presented to house by Clerk:**

#### TIMBER INDUSTRY

**To the Legislative Assembly of Victoria**

**This petition of residents in the State of Victoria, demands the Parliament of Victoria urgently recognises and supports Victoria's sustainable and internationally accredited native timber industry.**

We ask Members of Parliament to recognise:

- This sustainable industry provides direct and indirect employment for some 21,000 Victorians;
- Forestry takes place in less than 0.04 per cent of Victoria's forest estate each year, with areas carefully Managed and replanted for long term rotations;

- More than 94 per cent of Victoria's forests are protected, not available or unsuitable for forestry activity;
- Sustainable forest harvest and regeneration can play positive roles in carbon mitigation as well as also bush fire load management;
- Research that confirms Victoria's plantation industry is not an economically viable or environmentally sustainable alternative to the native forestry industry;
- That Daniel Andrews and the Victorian Labor Government's plan to shut down our native forest industry will cost jobs, close businesses, and destroy Victorian communities.

**By Mr T BULL (Gippsland East) (710 signatures)**

### WEST GATE TUNNEL

To the Legislative Assembly of Victoria

**The Petition of the undersigned concerned citizens draws to the attention of the House, their desire to not have toxic soil placed in any temporary or permanent storage facility within the Local Government Area of the City of Wyndham.**

The petitioners therefore request that the Legislative Assembly of Victoria:

- 1) Do not aid or facilitate Transurban or their contractor in the storage of contaminated soil from the Westgate Tunnel Project in the City of Wyndham for any timeframe.
- 2) Ensure that the removal of contaminated soil straight from its source to a permanent fit for purpose site comply with the current PFAS NEMP.
- 3) Ensures that in transporting said contaminated soil from the Westgate Tunnel Project to a permanent repository that covered trailers and trucks be used to prevent the spread of contaminants into the environment and communities.
- 4) Seeks the immediate public release of soil contamination analysis reports and Environmental Impact Statement for the soil relocation to occur.
- 5) Recognises the health, commercial and environmental impacts a contaminated soil storage site within the City of Wyndham would have on the growing community and respect the land of the traditional owners the Wada Wurrung people—by not utilising their land for this purpose.

**By Mr PALLAS (Werribee) (4483 signatures)**

**Tabled.**

**Ordered that petition lodged by member for Gippsland East be considered next day on motion of Mr T BULL (Gippsland East).**

### Documents

#### DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING

*Plan Melbourne 2017–2050: Report on Progress 2019*

**Mr WYNNE** (Richmond—Minister for Housing, Minister for Multicultural Affairs, Minister for Planning) (09:40): I desire to table, by leave *Plan Melbourne 2017–2050: Report on Progress 2019*.

### DOCUMENTS

**Incorporated list as follows:**

**DOCUMENT TABLED UNDER ACTS OF PARLIAMENT**—The Clerk tabled the following document under Acts of Parliament:

Auditor-General—Ravenhall Prison: Rehabilitating and Reintegrating Prisoners—Ordered to be published

*Planning and Environment Act 1987*—Notice of approval of an amendment to the Mornington Peninsula Planning Scheme—C231

*Safe Drinking Water Act 2003*—Drinking Water Quality in Victoria Report 2018–19

*Wildlife Act 1975*—Wildlife (Prohibition of Game Hunting) Notice (*Gazette S128, 13 March 2020*).

**Business of the house****ADJOURNMENT**

**Ms ALLAN** (Bendigo East—Leader of the House, Minister for Transport Infrastructure) (09:41): I move:

That the house, at its rising, adjourns until a day and hour to be fixed by the Speaker, who will notify members accordingly.

**Mr WELLS** (Rowville) (09:41): I am sorry, Speaker, but we have not discussed this.

**Ms Allan** interjected.

**Mr WELLS**: No, we did not. Just a moment, we have not discussed it—

*Members interjecting.*

**The SPEAKER**: Order! I ask members to resume their seats. The Leader of the House!

*Members interjecting.*

**The SPEAKER**: Order! I warn members about shouting across the chamber. The Manager of Opposition Business has the call.

**Mr WELLS**: This is the first that we have heard that we are now going to put the return of Parliament into the hands of the government. The opposition has not been informed about this decision. You would have thought, having a sense of decency in regard to recalling the house for budget today on 5 May, that we would have been consulted so we could have had a discussion with the leadership team and had a discussion with our party room to make sure that we were in agreement with this.

We think it is grossly unfair that the Leader of the House can just get up and make a decision and that the decision is that we will do it when the government decides. So there can be a whole heap of bad news in regard to budget blowouts, deficits, health waiting lists, quality of school education, and for us not to be informed is an outrage. It is an absolute outrage. Now I would have thought, with the thousand times that the Leader of the House and I have had discussions over the last week, that we would have at least discussed this important matter. We will be opposing this and we will want to be voting against this.

*Members interjecting.*

**Mr WELLS**: Oh, so that is fine. We are just going to ram it through on the numbers to give the government the right to be able to call the Parliament back when it chooses. They could just wait until there is—

**Mr M O'Brien** interjected.

**Mr WELLS**: Yes, declare a state of emergency and just call it back whenever you want.

Surely it is not one of the principles of the Westminster system that the government can just call the Parliament back when it chooses, when it is safe to do. It is wrong. What is going to happen with the budget? We will never know about what happens with the budget in regard to deficits or blowouts. Just bury the budget.

This, Speaker, you cannot allow to happen. At the moment we have been, as an opposition, told that the house will be recalled on Tuesday, 5 May, which is budget day. That went out last year and there have been no changes. This is nothing more than an ambush, and the opposition will be voting against this motion. It is outrageous.

**Ms ALLAN** (Bendigo East—Leader of the House, Minister for Transport Infrastructure) (09:44): If I could ask for leave. I have already spoken to the motion in moving the motion. But if, by leave—

**The SPEAKER:** Is leave granted?

**Mr Wells:** Leave is refused.

**The SPEAKER:** Leave is refused.

**Ms Allan:** On a point of order, Speaker, can I explain the reason why, on relevance—

*Members interjecting.*

**The SPEAKER:** Order! I have not heard what the Leader of the House is going to say. She needs to make her point of order.

**Ms Allan:** On relevance, Speaker—

**A member** interjected.

**The SPEAKER:** Order! The Leader of the House has the call on a point of order.

**Ms Allan:** Thank you, Speaker. It is—

*Members interjecting.*

**The SPEAKER:** Order! The Leader of the House has not begun her contribution on the point of order. The Leader of the House has the call.

**Ms Allan:** Speaker, there is a long tradition in this place and in previous places of a motion of this type being put. It has happened on a number of occasions in the 20 and a half years that I have been in this place. It is standard practice. Can I also put—

**Mr T Smith** interjected.

**The SPEAKER:** Order! The member for Kew can leave the chamber for the period of 1 hour. I am not going to be shouted at in the chair. The Leader of the House will resume her seat. She is not making a point of order. The member for Kew, I have asked you to leave the chamber.

**Member for Kew withdrew from chamber.**

**The SPEAKER:** Are there further speakers on this motion?

**Ms SANDELL** (Melbourne) (09:46): Perhaps as a way forward, if I could suggest that this motion could be put later in the day to give the Leader of the House a chance to talk to everyone. Just to let you know, we have not formed on a position on this.

**Ms Allan** interjected.

**The SPEAKER:** Order! The Leader of the House will come to order.

**Ms SANDELL:** We actually were not consulted. Our leader in the other place—

*Members interjecting.*

**The SPEAKER:** Order! I need to be able to hear the member for Melbourne.

**Ms SANDELL:** Our leader in the other place was told about it.

**Ms Allan** interjected.

**The SPEAKER:** The Leader of the House!

**Ms SANDELL:** Our leader in the other place was told that this may come up, but it did not come up in our discussions with the Leader of the House. So perhaps there is a chance to talk about it outside Parliament and bring it back later.

**Ms NEVILLE** (Bellarine—Minister for Water, Minister for Police and Emergency Services) (09:47): As I understand, the Leader of the House had flagged with all parties that there was a need—

*Members interjecting.*

**The SPEAKER:** Order! I realise there is some passion about this debate, but members need to allow those on their feet to make their contribution and not shout across them.

**Ms NEVILLE:** The Leader of the House had told parties that we needed an opportunity to discuss how Parliament would operate in the next few months. This is to provide that—

*Members interjecting.*

**The SPEAKER:** Order!

**Ms NEVILLE:** What this motion enables is for those discussions to happen, as we have an evolving situation. I have heard a lot, unfortunately, from those opposite that suggests to me that people do not understand the seriousness of the issues that we face as a community. We need to do this responsibly, just like every other meeting. Every other organisation across the country is currently reviewing how they operate, how they meet. This is an appropriate motion that enables those discussions to occur. It is not presuming when or where Parliament is sitting. It is enabling the discussions to happen properly in an evolving situation. Each day it changes. Each day the advice changes. Each day the directives from the chief health officers change. We need to be able to accommodate that, and we need to be able to do that by passing this motion today for those conversations to happen between the parties to get a resolution that fits with the situation that we are in.

This is an appropriate motion. It is not about closing anything down. It is about opening up a responsible debate. Just as I said, every single organisation across the world, across this country, is reviewing how they operate. This provides us with an opportunity to review together what that might look like. Where we are in two weeks is going to be very different to where we are now, and where we are in three months will also be very different. This is about us trying to ensure that there are appropriate discussions that take account of the changing circumstances. I urge the house to support this and enable those discussions to occur.

**Ms STALEY** (Ripon) (09:49): The Minister for Police and Emergency Services has just made a nonsensical contribution to this debate. While she did it in a reasonable tone, her argument was that we need to be able to discuss together what will happen in the future.

However, the motion being put by the Leader of the House, in conjunction with the motion that the government rammed through yesterday, has us going home early, has us not sitting and has us not set with a date for the future under this motion, and therefore all of the opportunities that we have around this place to discuss the sorts of things that the Minister for Police and Emergency Services just raised have been taken away.

Now of course, the next sitting date is the budget date. I would put into context that other parliaments, as others have said, are addressing the seriousness of COVID-19. For example, the federal Parliament, through consultation between all parties, has come to an agreement that not all members of Parliament are going to Canberra, and they have revised quorum mechanisms. And they have those discussions going on.

But in this Parliament, instead what we have seen is the Leader of the House and the government at every stage seeking to ride roughshod over democracy, over the traditions of the house, and not have consultation. In every other Parliament they are dealing with these very, very serious issues, but they are not doing it by being authoritarian. That is not the way to go. This is the time when we need

democracy to be at its finest, and instead what the government has done is immediately gone into authoritarian mode. This is yet another example of it. And with that I move an amendment to the motion and my amendment is:

Omit all the words after 'until' and insert 'Tuesday, 5 May 2020'.

This Parliament needs to debate the budget. We have already seen that the budget is in deficit. This government drove the budget into deficit—\$1.1 billion deficit—before we even had COVID-19 or the bushfires. We have got \$24 billion in cost blowouts. Those cost blowouts, that \$24 billion, could be available now to be actually fighting COVID-19, but instead this government has not been able to announce a stimulus package, unlike every other government in Australia, because it has not got the money. It has run out of money.

And so Victorians absolutely need to see the budget. They need to see it on 5 May, and we should be given every opportunity to have that budget exposed to Victorians. Then we will see the true nature of this government's finances, which are appalling. And there is no reason that we cannot come together using some modicum of agreement to not have everybody in the chamber. It is quite possible that we will have the Treasurer giving his budget and me giving my reply with the clerks and the Speaker; we do not all need to be here. There is no reason.

Other parliaments are dealing with this crisis by making sensible adjustments to how many people are in the chamber. Because that is the problem with this virus, of course—it is about social distancing. Whereas this government's idea of fixing that is just to have the Parliament not sit, and let them sit out on the terrace drinking beers with no social distancing. This government is not acting, when it comes to this Parliament, in relation to the advice of the major health authorities or to how other parliaments are behaving. And this motion is yet another example of the Leader of the House and the government arrogantly running roughshod over democracy, which they want to do at every point. Because of course they are not fundamentally democrats.

Now, this is the problem, and when the times get tough you have got to actually show leadership. And leadership is standing up and being accountable for your budget, being accountable for your actions, and not shutting down the Parliament at every opportunity just because you do not want that exposure. If this motion had come without what we had yesterday, perhaps there would have been a bit more appreciation for it. But this is just part of a pattern. The government at every stage is shutting down debate, constantly shutting out the opposition, and it is just not good enough.

**Ms HENNESSY** (Altona—Attorney-General, Minister for Workplace Safety) (09:54): We are in very, very challenging times, and whilst I understand and appreciate the strength of passion that those on the other side of the chamber have shared and exhibited, the reality is that we are living in an international health crisis. We have a set of circumstances where we have a national cabinet that is meeting several times a week in a very fluid set of circumstances, having to make very difficult decisions, directions and advice to the country. It may come as some surprise to those that sit opposite, but Victoria is actually part of the country. The cooperation that we have seen from the leader of Victoria with the leader of our country, I think, provides a fantastic example of the fact that difficult decisions are having to be made because we are living in a time of uncertainty.

On Tuesday when the Leader of the House spoke to this chamber she forecast this very motion by saying that decisions would have to be made. She put on the record that she would be cooperative and open and collaborative about future arrangements. But what she is not in a position to do is put a motion before this house that essentially takes risks around people's health and wellbeing in an environment that we do not have the information about. She made a commitment to say that she will continue to work and engage with you about future sittings of the house. She has had discussions with many people throughout this week. The fact that we are now in a set of circumstances where that goodwill seems to have evaporated is unfortunate, but that does not then mean that we should take the risk about making commitments that we cannot keep in a fast-moving COVID-19 environment.

This is a sensible position. This is a sensible position whereby the Leader of the House has given a commitment to continue to work with those on the other side of the house about what the future arrangements might be. She has been open, she has been consistent and she has behaved in a way and given commitments on the record that say, ‘We will continue to work with you about future sittings of the house’. That is the long and the short of it. I accept that those opposite may not like it, but the fact of the matter is that that is the decision the government has made and that is how the government will vote on this resolution.

**Mr Walsh:** On a point of order, Speaker, I seek leave to respond to what the Leader of the House said about me.

**Leave refused.**

**Mr Walsh:** On a point of order, Speaker, the Leader of the House has said that she told me this was happening. That is just blatantly not true.

**The SPEAKER:** Order! I have already asked members in this debate not to use a point of order to contribute to debate. I ask the Leader of The Nationals to resume his seat.

**Dr Read:** I seek leave to make a brief contribution on this.

**Leave refused.**

**Mr Wells:** On a point of order, Speaker, by refusing leave you are not allowing the members of Parliament who you have claimed have told—

**The SPEAKER:** Order! The Manager of Opposition Business! Members will resume their seats.

*Members interjecting.*

**The SPEAKER:** Order! The member for South-West Coast can leave the chamber for the period of half an hour.

**Member for South-West Coast withdrew from chamber.**

**The SPEAKER:** I will not have members talking across the Chair while I am on my feet.

The Leader of the House has moved:

That the house, at its rising, adjourns until a day and hour to be fixed by the Speaker, who will notify members accordingly.

The member for Ripon has moved an amendment to omit all the words after ‘until’ and insert ‘Tuesday, 5 May 2020’. The house will divide on the question:

That the words proposed to be omitted stand part of the question.

I remind members supporting the amendment by the member for Ripon that they should vote no.

**House divided on question:**

*Ayes, 49*

Addison, Ms  
Allan, Ms  
Andrews, Mr  
Blandthorn, Ms  
Brayne, Mr  
Bull, Mr J  
Carbines, Mr  
Carroll, Mr  
Cheeseman, Mr  
Connolly, Ms  
Couzens, Ms

Foley, Mr  
Fowles, Mr  
Green, Ms  
Halfpenny, Ms  
Hall, Ms  
Hennessy, Ms  
Horne, Ms  
Kairouz, Ms  
Kennedy, Mr  
Kilkenny, Ms  
Maas, Mr

Pallas, Mr  
Pearson, Mr  
Richards, Ms  
Richardson, Mr  
Scott, Mr  
Settle, Ms  
Spence, Ms  
Staikos, Mr  
Suleyman, Ms  
Tak, Mr  
Taylor, Mr



# BUSINESS OF THE HOUSE

Thursday, 19 March 2020

Legislative Assembly

1079

Crugnale, Ms  
D'Ambrosio, Ms  
Dimopoulos, Mr  
Donnellan, Mr  
Edbrooke, Mr  
Edwards, Ms

McGhie, Mr  
McGuire, Mr  
Merlino, Mr  
Neville, Ms  
Pakula, Mr

Theophanous, Ms  
Thomas, Ms  
Ward, Ms  
Williams, Ms  
Wynne, Mr

## Noes, 26

Angus, Mr  
Battin, Mr  
Blackwood, Mr  
Britnell, Ms  
Bull, Mr T  
Hibbins, Mr  
Hodgett, Mr  
Kealy, Ms  
McCurdy, Mr

McLeish, Ms  
Newbury, Mr  
Northe, Mr  
O'Brien, Mr D  
O'Brien, Mr M  
Read, Dr  
Riordan, Mr  
Rowswell, Mr  
Ryan, Ms

Sandell, Ms  
Smith, Mr T  
Southwick, Mr  
Staley, Ms  
Vallence, Ms  
Wakeling, Mr  
Walsh, Mr  
Wells, Mr

## Question agreed to.

## House divided on motion:

## Ayes, 49

Addison, Ms  
Allan, Ms  
Andrews, Mr  
Blandthorn, Ms  
Brayne, Mr  
Bull, Mr J  
Carbines, Mr  
Carroll, Mr  
Cheeseman, Mr  
Connolly, Ms  
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Crugnale, Ms  
D'Ambrosio, Ms  
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Edbrooke, Mr  
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Fowles, Mr  
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O'Brien, Mr M  
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Ryan, Ms

Sandell, Ms  
Smith, Mr T  
Southwick, Mr  
Staley, Ms  
Vallence, Ms  
Wakeling, Mr  
Walsh, Mr  
Wells, Mr

## Motion agreed to.

**Mr Wells:** On a point of order, Speaker, with the new motion that has been agreed to by the Parliament, for the opposition what sort of notice will we now be assured of as to when Parliament will resume? Because, I mean, we have been ambushed once this morning, and I would hate to think that we are only given a couple of days notice, for example, for us to be able to resume Parliament.

**Ms Allan:** On the point of order, Speaker, I can respond on behalf of the government to the point of order and refer the Manager of Opposition Business back to my comments in this place yesterday

when we debated the motion on the arrangements for this week. I gave him my very clear commitment that I would work with all members of this place on the future arrangements of how Parliament would operate and how, given we are in some challenging times, that would require some assistance and cooperation from those opposite. I intend to honour my commitment to provide as much advice as possible to the opposition, to non-government members and indeed to our own government members as well, as we are all in the same situation, but it is very difficult to even plan what we are doing tomorrow let alone where we might be in two, three, four weeks time. I will just reiterate that we will work very hard to work with non-government members on the return of Parliament.

I would also like to remind all members that the use of a sitting of the house motion in the way I moved it earlier today has been standard practice by all governments for a very, very long time in both chambers of the Parliament. It has often been deployed, for example, at the end of a sitting year for our longer summer break. There is nothing unusual in a motion of this kind. Therefore there will be nothing unusual, I would anticipate, in how the Parliament advises members. In between that, as I said, I reiterate that I will continue to work as best as I possibly can with non-government members. However, to do that it will need some assistance from those non-government members to match that spirit of cooperation.

**The SPEAKER:** Order! On this point of order, I would be very keen to meet with both the Manager of Opposition Business and the Leader of the House at some point today to have further discussion about the very point of order that has been raised.

**Mr Riordan:** On a different point of order, Speaker, listening to the debate earlier from my office, I just seek your clarification for future reference on something I have not seen in my four years here, where leaders of both the National Party and the Greens made comments that were in complete contradiction to the manager of government business, who said that she had informed them of the process. I seek your clarification, when we have such starkly differing views from two senior members of other parties, where that leaves us for the future if the government can just say they said something and then that was completely refuted.

**The SPEAKER:** Order! I thank the member for his point of order, but I am going to ask the member for Polwarth to resume his seat. That is not a point of order.

### Committees

#### ELECTORAL MATTERS COMMITTEE

##### *Reference*

**Ms ALLAN** (Bendigo East—Leader of the House, Minister for Transport Infrastructure) (10:11): I move:

That this house refers an inquiry into the impact of social media on Victorian elections and Victoria's electoral administration to the Electoral Matters Committee for consideration and report no later than 30 June 2021 and the committee should consider:

- (1) the impact of social media technologies on the Victorian electoral process, focusing on how social media platforms are used for political communication and whether current regulations regarding the authorisation of political content on social media are appropriate;
- (2) whether online electoral advertising is appropriately regulated in Victoria; and
- (3) how social media and new communications technologies are used by the Victorian Electoral Commission and the Parliament to engage Victorians and improve knowledge of electoral processes.

**Dr READ** (Brunswick) (10:11): Last week I refused the Leader of the House leave to refer this motion to inquire into social media to the Electoral Matters Committee, and I just want to briefly explain why. I refused not because I object to this proposed topic but because this is the wrong time for this inquiry. That is why the Greens oppose this motion. The Electoral Matters Committee is completing its inquiry into the 2018 election, and the one issue raised by almost all submitters to this inquiry has been the urgent need to change the group voting system used to elect members of the

Legislative Council. This is not new. Almost as many submitters made the same point to the Electoral Matters Committee's 2014 state election inquiry, and that committee devoted a whole section of their report to the issue but deferred making a recommendation until after evidence from the introduction of the new voting method in the federal Senate in 2016 was available.

For people heading out—this is a short speech. There would be barely time to get a latte I reckon. We have had that Senate election and another state election. We have had enough evidence. In fact the Electoral Matters Committee has now determined that group voting is so important that it needs its very own inquiry. Expert witnesses appearing before the current inquiry into the 2018 election were directed not to comment on upper house voting reform but to save it—

**Ms Spence:** On a point of order, Acting Speaker, I just seek your guidance. The member for Brunswick seems to be adding in his contribution deliberations of the current committee into matters that have been discussed by that committee in their current inquiry that have not yet been tabled in a report. I would seek your guidance as to whether or not it is appropriate to speak about the deliberations of that committee in an inquiry where a report has not yet been tabled.

**Dr READ:** On the point of order, Acting Speaker, as I understand it I am only making points that have been publicly made already by the committee in its hearings to submitters and expert witnesses.

**The ACTING SPEAKER (Mr Carbines):** I do not uphold the point of order this time, but clearly the clerks and I will continue to listen intently to the member for Brunswick and his contribution. I am sure he is aware of the rules that apply to all members.

**Dr READ:** I am grateful for the member for Yuroke's advice and also to the Acting Speaker for being an audience.

The expert submitters do not actually really want to talk about social media. They want their analysis and evidence on the most important matter, upper house voting reform, to finally be heard. How can this issue not be prioritised over a topic barely raised in any of the 100-plus submissions received by the committee?

The method of voting must be resolved well ahead of the 2022 election. The Victorian Electoral Commission has indicated publicly that it would require up to a year to prepare. The intervening social media inquiry, if this referral goes ahead, potentially makes the VEC's job a lot harder, if not impossible. For the Andrews government to defer an inquiry into upper house voting for up to a year while the Electoral Matters Committee investigates social media—a worthwhile topic, no doubt—displays disdain for the many submitters and experts who have made it clear to the committee on every occasion that group voting reform is the issue most important to them. It shows a disdain for Victorian voters, who at this stage appear no closer to having their votes reflect their preference rather than the preference of backroom operators and preference whisperers.

Delaying an inquiry into group voting assumes that nobody cared that group voting was manipulated in return for payments of up to \$50 000 per legislative councillor elected. This referral hopes that nobody is concerned that the membership of our upper house is determined in part by a corrupt process. It relies on this topic being a bit dry and insufficiently newsworthy for this corruption to upset more than a few political purists and insiders. The government now has an opportunity to show that it values fairness in elections, that it believes election results should as closely as possible reflect the wishes of the voters and that parliamentary seats should not be available for less than the price of a Toyota HiLux.

The Greens urge the government to refer group voting to the Electoral Matters Committee such that there is sufficient time for the VEC to implement recommended changes before the next election.

**House divided on motion:***Ayes, 71*

Addison, Ms	Green, Ms	Richardson, Mr
Allan, Ms	Halfpenny, Ms	Riordan, Mr
Andrews, Mr	Hall, Ms	Rowswell, Mr
Angus, Mr	Hennessy, Ms	Ryan, Ms
Battin, Mr	Hodgett, Mr	Scott, Mr
Blackwood, Mr	Horne, Ms	Settle, Ms
Blandthorn, Ms	Kairouz, Ms	Smith, Mr T
Brayne, Mr	Kealy, Ms	Southwick, Mr
Britnell, Ms	Kennedy, Mr	Spence, Ms
Bull, Mr J	Kilkenny, Ms	Staikos, Mr
Bull, Mr T	Maas, Mr	Staley, Ms
Carbines, Mr	McCurdy, Mr	Suleyman, Ms
Carroll, Mr	McGhie, Mr	Tak, Mr
Cheeseman, Mr	McGuire, Mr	Taylor, Mr
Connolly, Ms	McLeish, Ms	Theophanous, Ms
Couzens, Ms	Merlino, Mr	Thomas, Ms
Crugnale, Ms	Neville, Ms	Vallence, Ms
D'Ambrosio, Ms	Newbury, Mr	Wakeling, Mr
Dimopoulos, Mr	O'Brien, Mr D	Walsh, Mr
Donnellan, Mr	O'Brien, Mr M	Ward, Ms
Edbrooke, Mr	Pakula, Mr	Wells, Mr
Edwards, Ms	Pallas, Mr	Williams, Ms
Foley, Mr	Pearson, Mr	Wynne, Mr
Fowles, Mr	Richards, Ms	

*Noes, 3*

Hibbins, Mr	Read, Dr	Sandell, Ms
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**Motion agreed to.****Bills****JUSTICE LEGISLATION AMENDMENT (DRUG COURT AND OTHER MATTERS)****BILL 2020***Statement of compatibility*

**Ms HENNESSY** (Altona—Attorney-General, Minister for Workplace Safety) (10:24): In accordance with the Charter of Human Rights and Responsibilities Act 2006, I table a statement of compatibility in relation to the Justice Legislation Amendment (Drug Court and Other Matters) Bill 2020.

**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 Justice Legislation Amendment (Drug Court and Other Matters) Bill 2020 (Bill).

In my opinion, the Bill, as introduced to the Legislative Assembly, 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 *County Court Act 1958* (County Court Act) and *Sentencing Act 1991* (Sentencing Act) to establish a pilot Drug Court Division in the County Court of Victoria.

The Bill also amends:

- the *Charities Act 1978* (Charities Act) to provide the Attorney-General with an express power of delegation, in respect of powers or functions under that Act and its regulations;
- the *Limitation of Actions Act 1958* (LAA) to allow certain settlement agreements entered into between 1 July 2015 and 1 July 2018 to be set aside;

- the *Victorian Civil and Administrative Tribunal Act 1998* (VCAT Act) to include a confidentiality provision relating to proceedings under the *Voluntary Assisted Dying Act 2017* (VAD Act); and
- the *Children, Youth and Families Act 2005* (CYFA) to allow for an appointment of an additional, alternate chairperson to the Youth Parole Board, and expand eligibility for chair and alternate chair positions.

### **Human Rights Issues**

#### **Part 2—County Court Drug Court Pilot**

The human rights protected by the Charter that are relevant to Part 2 of the Bill are:

- the right to a fair hearing (section 24)
- the right to recognition and equality before the law (section 8)
- rights in criminal proceedings (section 25)
- the right to freedom of movement (section 12)
- the right to privacy (section 13)

#### **The right to a fair hearing (section 24)**

Section 24(1) of the Charter provides that a person charged with a criminal offence has the right to have the charge decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

Section 24(1) of the Charter is relevant to Part 2 of the Bill to the extent that it establishes a new, specialised Division in the County Court that will operate alongside the mainstream criminal court. The Bill promotes the right to a fair hearing by providing a specialised court that is targeted to the complex needs of offenders with a drug or alcohol dependency. This cohort of offenders is disadvantaged in the mainstream justice system because they have a higher risk of recidivist and escalating criminal behaviour linked to their dependency, which can result offenders becoming entrenched in the criminal justice system.

#### **The right to recognition and equality before the law (s 8(3))**

Section 8(3) of the Charter provides that every person is equal before the law, is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.

The Bill empowers the County Court Drug Court to make a therapeutic Drug and Alcohol Treatment Order (DATO) (currently called a Drug Treatment Order) in respect of an offender who is dependent on drugs or alcohol, as an alternative to mainstream sentencing options. Section 8(3) of the Charter is thus relevant to the extent that the Bill may permit offenders to be treated differently based on the presence or absence of a disability (drug or alcohol dependence).

The Bill does not limit section 8(3) of the Charter because:

- individuals will not be compelled to participate in the County Court Drug Court. A DATO can only be made in respect of an offender if the offender agrees in writing to the court making the DATO.
- measures taken for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination do not constitute discrimination under section 8(4). The Bill promotes equality before the law by addressing the disadvantage experienced by this cohort of offenders in the mainstream justice system.

#### **Other rights relevant to Part 2 of the Bill—ss 12, 13 and 25 of the Charter**

The following rights are also relevant to the County Court Drug Court model as provided for in Part 2 of the Bill:

- the right to freedom of movement (section 12)—the Drug Court will have power to impose conditions affecting freedom of movement as part of a DATO. For example, a DATO may require an offender to attend the Drug Court or periodically report to specified corrections agencies during the period of the DATO, or restrict the offender from leaving Victoria without permission while subject to a DATO.
- the right to privacy and reputation (section 13)—the Drug Court will have power to impose conditions as part of a DATO that require an offender to provide certain medical or personal information (e.g. undertake drug or alcohol tests) in the course of treatment and supervision.
- the right to a presumption of innocence (section 25(1))—Only offenders who choose to plead guilty are eligible for a DATO. This reflects that a key part of the Drug Court model is that the accused person voluntarily elects to take responsibility for their offending, and commits to carry out a DATO as an alternative mode of sentencing. However, participation in the County Court

Drug Court is voluntary. All offenders retain the right to plead not guilty and be tried in the mainstream County Court.

To the extent that any of these rights may be limited by the Bill, I consider that all those limitations are necessary, justified and proportionate to achieve the purposes of DATOs. As set out in section 18X of the Sentencing Act, the purposes of DATOs are to:

- facilitate the rehabilitation of the offender by providing a judicially-supervised, therapeutically-oriented, integrated drug or alcohol treatment and supervision regime;
- take account of an offender's drug or alcohol dependency;
- reduce the level of criminal activity associated with drug or alcohol dependency; and
- reduce the offender's health risks associated with drug or alcohol dependency.

The eligibility criteria for a DATO, and the Drug Court's power to set conditions as part of a DATO, are necessary features of the Drug Court model. Without those features, the County Court Drug Court could not effectively fulfil the purposes set out in section 18X of the Sentencing Act. Any limitation on Charter rights imposed by Part 2 of the Bill extend only so far as is necessary and justified to achieve the purposes of the Sentencing Act, and deliver better justice outcomes for a disadvantaged cohort of offenders while also protecting community safety. The County Court Drug Court model is broadly consistent with the model of the existing Magistrates' Court Drug Court, which has been operating successfully since 2002.

For these reasons, I consider that Part 2 of the Bill is consistent with the Charter.

### **Part 3—Amendment of Charities Act 1978**

The human rights protected by the Charter that are relevant to Part 3 of the Bill are:

- the right to property (section 20)
- the right to privacy (section 13).

#### **Right to property (s 20)**

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. The 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. The right to property may be relevant to the Bill's amendment to the *Charities Act 1978*, which will allow the Attorney-General to delegate any of her powers or functions under that Act and the regulations, except for the power of delegation.

The Attorney-General will be able to delegate the power to approve an application for a *cy près* scheme whereby the terms of a charitable trust can be amended in certain circumstances (such as where its original purposes cannot be fulfilled), to prevent the trust from failing. While trust property may be distributed in a different way from that originally envisaged, I do not consider that this limits the right to property as this will be in accordance with the legislative regime established by the *Charities Act 1978*.

#### **Right to privacy (s 13)**

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. The right to privacy may also be relevant to the Bill's amendment to the *Charities Act 1978*.

The Attorney-General will be able to delegate the power to appoint an inspector to inquire into the administration or management of any charity or charitable estate. Any interference with privacy that may result to individuals through an inquiry will be in accordance with law, and not arbitrary. The power to appoint an inspector ensures the Attorney-General can investigate the administration or management of any charity or charitable estate.

### **Part 4—Amendment of Limitation of Actions Act 1958**

The human rights protected by the Charter that are relevant to Part 4 of the Bill are:

- the right to protection of children (section 17);
- the right to property (section 20);
- the right to privacy (section 13);
- the right to a fair hearing (section 24);
- the right to recognition and equality before the law (section 8(3));
- the right to freedom of religion (section 14);

- the right not to be tried or punished more than once (section 26);
- protection from retrospective criminal laws (section 27).

**Protection of children (s 17(2))**

Section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.

The Bill promotes the right of a child to protection by ensuring more victims of institutional child abuse have a basis for seeking to overturn settlements, if it is just and reasonable to do so. The Bill recognises the difficulties child abuse plaintiffs faced due to barriers to seeking compensation in the courts, and that in some cases this led to child abuse survivors accepting inadequate compensation. The Bill acknowledges the harmful effects of abuse on a child's physical and psychological well-being, and promotes their 'best interests' by assisting them to pursue adequate compensation if it is just and reasonable to do so.

**The right to property (s 20)**

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.

Like all rights conferred under the Charter, section 20 only applies to individuals.

The Bill allows for courts to set aside settlements entered into between 1 July 2015 and 1 July 2018, relating to child abuse, if it is just and reasonable to do so. The right to property only applies to human beings, and not entities such as non-government organisations, corporations or corporate trustees. To the extent that the property of an individual is affected by the Bill, the deprivation would be authorised by an accessible and precisely formulated law and would not be arbitrary.

Before a settlement agreement is set aside, the court must determine that it is just and reasonable to do so. Further, any deprivation of property would only be triggered by an order of a court of competent jurisdiction made in a proceeding. The Bill does not alter the legal principles that a court will apply when, having set aside a settlement, it then determines the claim and any associated liability. As in any other case, a plaintiff who has a settled cause of action set aside and pursues a new civil claim will still have to prove that the defendant is liable for the abuse. The Bill will simply deal with barriers which led to survivors accepting inadequate settlements and releasing the institution from future liability. For these reasons, the Bill does not constitute an arbitrary deprivation of property.

**The right to privacy (s 13)**

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.

Nothing in Part 4 will limit the right to privacy and reputation. There is no mechanism to compel disclosure of personal information for the purpose of the proceedings. The Bill will not enable unlawful attacks on a person's reputation. Where a court finds it is just and reasonable to set aside a settled cause of action, any subsequent allegations of child abuse made against a person in the context of proceedings will still need to satisfy the ordinary legal requirements of any claim founded on or arising from child abuse.

**The right to a fair hearing (s 24)**

Section 24(1) of the Charter provides that a party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

The Bill is consistent with the right to a fair hearing. Firstly, proper safeguards have been put in place to ensure that a past settlement can only be set aside where a court finds that it is reasonable and just to do so. Secondly, the Bill does not place any obstacles in the way of a defendant having the right to be heard and to respond to any allegations made in a proceeding. This will include the defendant's right to seek a summary dismissal or permanent stay of proceedings where the lapse of time has a burdensome effect on the defendant that is so serious that a fair trial is not possible.

**The right to recognition and equality before the law (s 8(3)) and freedom of religion (s 14)**

Section 8(3) of the Charter provides that every person is equal before the law, is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. Section 14 of the Charter provides that every person has the right to freedom of thought, conscience, religion and belief.

The Bill is consistent with the rights in both section 8(3) and section 14. Nothing in the Bill could be characterised as distinguishing between people or groups based on an attribute set out in section 6 of the *Equal*

*Opportunity Act 1995*, including religious belief or activity. The problem faced by child abuse plaintiffs in bringing proceedings identified by the Royal Commission and Betrayal of Trust was the result of a complex and confusing array of legal barriers to child abuse claims, which discouraged victims from bringing their claims in court, and reduced their bargaining position in settlement negotiations. The Bill rectifies this injustice, without targeting any particular organisation. The Bill therefore does not discriminate—instead it focuses on ensuring that child abuse victims are able to pursue appropriate compensation. Furthermore, there is no clause in the Bill which would interfere with or restrain the right of people to have or adopt a religion or belief in worship, observance, practice or teaching.

**The right not to be tried or punished more than once (s 26) and protection from retrospective criminal laws (s 27)**

Section 26 of the Charter provides that a person must not be tried or punished more than once for an offence in respect of which they have already been finally convicted or acquitted in accordance with the law. Section 27 of the Charter provides that a person must not be found guilty of a criminal offence because of conduct that was not a criminal offence when it was engaged in.

The Bill is consistent with the rights in both section 26 and 27. Like all rights conferred under the Charter, sections 26 and 27 only apply to individuals, and not entities such as non-government organisations, corporations or corporate trustees. Additionally, sections 26 and 27 do not extend to civil trials that result in civil liability, including negligence or breach of duty of care in the failing of an institution to protect a child from abuse. The Bill allows for courts to set aside certain settlements relating to child abuse, if it is just and reasonable to do so. Any subsequent allegations of child abuse made against a person in the context of proceedings will still need to satisfy the ordinary legal requirements of any claim founded on or arising from child abuse. The Bill will apply to historical settlements, insofar as they were entered into between 1 July 2015 and 1 July 2018. These reforms under the Bill do not form part of the penalty or punishments of an offender, or to changes in procedural law, for example, shifts in trial practice or changes to the rules of evidence.

**Part 5—Amendment of Victorian Civil and Administrative Tribunal Act 1998**

The human rights protected by the Charter that are relevant to Part 5 of the Bill are:

- the right to privacy (section 13);
- the right to a fair hearing (section 24).

**The right to privacy (s 13)**

Section 13 of the Charter provides that a person has the right not to have their privacy unlawfully or arbitrarily interfered with and not to have their reputation unfairly attacked. The VAD Act allows the VCAT to review a decision of an assessing medical practitioner that a person does, or does not, have decision-making capacity for the purposes of accessing voluntary assisted dying. The VCAT Act does not currently provide for the confidentiality of those proceedings.

Proceedings under the VAD Act are by their nature highly sensitive and personal, and parties to these proceedings should be able to expect their privacy to be protected at all stages of the legal process. The Bill promotes the right to privacy, by ensuring that no publication or broadcast of VCAT proceedings about VAD Act matters may occur, where such publication or broadcast could lead to the identification of a party—unless VCAT is satisfied that it is in the public interest, and so orders.

**The right to a fair hearing (s 24)**

Section 24 of the Charter guarantees the right to a fair and public hearing. Judgments and hearings must be open to the public unless other laws provide otherwise, which gives effect to the principle of open justice. Sections 24(2) and (3) allow for specific limitations, including where another law permits the court or tribunal to order that the proceeding be closed or otherwise restricts public access to a hearing or judgment.

The Bill engages section 24, by regulating the way in which the media may report on VAD Act proceedings in VCAT. However, this is justified, given the highly confidential nature of VAD Act proceedings, and the potential for an applicant's privacy to be infringed by the publication of identifying material. Further, the *Open Courts Act 2013* already allows VCAT to make suppression orders in certain circumstances, including where the order is necessary to avoid the publication of confidential information. The Bill's confidentiality provision will remove the need for VCAT to make suppression orders in relation to VAD Act proceedings.

**Part 6—Amendment of the *Children, Youth and Families Act 2005* (CYFA)**

The human rights protected by the Charter that are relevant to Part 6 of the Bill are:

- taking part in public life (s 18)



**Taking part in public life (s 18)**

Section 18 of the Charter provides that every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives. This right is relevant to Part 6 of the Bill which amends the CYFA to allow for an appointment of an additional, alternate chairperson to the Youth Parole Board, and expand eligibility for chair and alternate chair positions to current and former County Court judges and Magistrates and Australian lawyers of at least 10 years' standing. I do not consider that these amendments limit this right, given that they expand the class of persons eligible for appointment.

The Hon Jill Hennessy MP  
Attorney-General  
Minister for Workplace Safety

*Second reading*

**Ms HENNESSY** (Altona—Attorney-General, Minister for Workplace Safety) (10:25): I move:

That this bill be now read a second time.

I ask that my second-reading speech be incorporated into *Hansard*.

**Incorporated speech as follows:**

The Justice Legislation Amendment (Drug Court and Other Matters) Bill 2020 will establish a pilot Drug Court in the County Court of Victoria. This significant initiative will build on the success of the Magistrates' Court Drug Court by expanding the availability of specialised drug courts to a wider cohort of offenders. Drug Courts facilitate a therapeutic approach to sentencing of offenders with complex needs associated with drug and alcohol dependency. The Drug Court model is designed to ensure that this cohort are subject to the structured conditions, and receive the treatment that they need, to assist them to break the destructive cycle of addiction and recidivism. This approach has demonstrated success in reducing recidivism and promoting community safety.

The Bill will also:

- amend the *Victorian Civil and Administrative Tribunal Act 1998* to protect the confidentiality of applicants under the *Voluntary Assisted Dying Act 2017*;
- amend the *Limitation of Actions Act 1958* to allow people who entered into settlement agreements between 1 July 2015 and 1 July 2018, when the Ellis defence was effectively abolished, to apply to the court to have the agreements set aside;
- amend the *Charities Act 1978* to allow the Attorney-General to delegate any of her powers or functions under that Act and the regulations; and
- amend the *Children, Youth and Families Act 2005* (CYFA) to allow for an appointment of an additional, alternate chairperson, and expand eligibility for chair and alternate chair positions.

**County Court Drug Court Pilot**

The Bill will establish a pilot Drug Court in the County Court of Victoria.

Drug courts are specialised courts that provide a therapeutic approach to addressing the complex needs of offenders with drug and alcohol dependency. Traditional sentencing options can fail to adequately address the needs of drug offenders. By contrast, the Drug Court model seeks to address underlying causes of offending by providing intensive drug treatment services to offenders. Addressing these underlying causes will ultimately enhance the wellbeing and community connectedness of participants by improving their relationships, housing stability and life skills, and reducing reoffending.

The government is deeply committed to improving justice outcomes for vulnerable groups and exploring new ways to better address the complex needs of offenders, while also promoting community safety.

In Victoria, the Magistrates' Court Drug Court has operated successfully since 2002. Evaluations in 2005 and 2014 demonstrated the superior effectiveness of the Drug Court approach compared with conventional sanctions such as imprisonment. In particular, the evaluations showed significant reductions in reoffending and a reduction in the seriousness of offences committed by reoffenders. Similarly, data from other jurisdictions demonstrates that drug courts reduce recidivism and the probability of re-arrest, have better retention rates than other types of treatment offered and increase the likelihood of employment post-program.

Given the success of the Magistrates' Court Drug Court, it is timely to expand the Drug Court scheme to the County Court. The County Court Drug Court pilot will capture a wider group of offenders who stand to

benefit from the therapeutic model and deliver benefits to the community in terms of reduced recidivism and stronger community engagement. In particular, it will address the needs of entrenched, high-level drug users who are at increased risk of engaging in recidivist and escalating criminal behaviour linked to their addiction and are therefore more likely to receive custodial sentences. The Bill will ensure that more offenders can access effective intervention and expand the individual and societal benefits of the therapeutic court model.

#### *Overview of the County Court Drug Court*

The Bill will amend the *County Court Act 1958* and the *Sentencing Act 1991* to establish a Drug Court Division within the County Court of Victoria. The pilot Drug Court Division will run for three years and will be independently evaluated after two years.

The new Division will utilise existing Magistrates' Court infrastructure including judicial chambers, interview rooms and urine testing facilities. Drug Court teams will consist of a range of specialists including a case manager, defence lawyer, police prosecutor and clinician, and specialist community corrections officers.

While the County Court Drug Court will broadly align with the Magistrates' Court model, the operational framework will differ in some ways due to differences between jurisdictions, and differences in the cohort of offenders who will participate in each Court.

The key difference between the two Courts is that the Magistrates' Court program is only open to offenders who plead guilty to an offence with a sentence of up to two years, whereas the County Court program will be open to offenders who are liable for a maximum sentence of up to four years. This is necessary to reflect the different nature of the offending heard in the County Court, and the maximum penalties for those offences.

As in the Magistrates' Court model, offenders wishing to participate in the County Court Drug Court program will need to satisfy certain eligibility criteria. For example, they will need to reside within the gazetted catchment area (to provide a safeguard against resources being overstretched and care compromised if uptake should be greater than expected) and plead guilty to the offence. In addition, the offender will need to satisfy the court on the balance of probabilities that they are dependent on drugs and/or alcohol and that dependency contributed to the commission of the offence.

Consistent with the approach in the Magistrates' Court, offenders convicted of sexual offences and offences involving the infliction of actual bodily harm will not be eligible to participate in the County Court Drug Court program. Offenders convicted of aggravated home invasion and aggravated carjacking will also be excluded from the program.

#### *How Drug and Alcohol Treatment Orders in the pilot program will operate*

In the County Court Drug Court, eligible offenders will be able to consent to be sentenced to a Drug and Alcohol Treatment Order (DATO) (currently called a Drug Treatment Order) of up to four years, as an alternative to conventional sentencing options.

DATOs consist of two parts. Firstly, there is a treatment and supervision part, which aims to address the offender's drug or alcohol dependency via treatment in the community. Consistent with the Magistrates' Court model, the treatment and supervision part will operate for two years, reflecting the amount of time required to effectively treat problems stemming from drug or alcohol addiction.

The second part of the DATO is the custodial part. The custodial part will be a term of imprisonment of up to four years which is "inactive" while the offender undergoes treatment in the community. The custodial part can be activated if the offender fails to comply with the conditions of the DATO. That is, if an offender reoffends or otherwise does not comply with the conditions of the DATO, they can be sent to prison to serve their custodial sentence.

Offenders will be required to comply with a range of "core" and "program" conditions as part of the DATO. These conditions will require the offender to engage intensively in treatment and rehabilitation. "Core" conditions are baseline conditions (such as requirements to report regularly to a corrections centre or undergo specified treatment) which continue for the full duration of the DATO. By contrast, "program" conditions only operate during the two-year treatment and supervision part of the order. Program conditions may include submitting to drug and alcohol testing and attending vocational or educational programs.

If an offender successfully completes the two-year treatment and supervision part of the order, the program conditions will cease. The offender will be allowed to remain in the community, subject to the core conditions, until the inactive custodial part ends. During this time the offender will still be considered to be under sentence, and this will be taken into account in the event of subsequent reoffending.

#### *Conclusion*

Expanding the drug courts in Victoria will provide eligible offenders with an opportunity to address underlying causes of their offending and an opportunity to change their future. Not only could an offender's participation in the program break the cycle of addiction and recidivism, thereby enhancing community

safety, but it could improve their relationships, life skills and their ability to find stable employment and housing.

This reform also supports broader reforms to address mental health needs and is expected to reduce pressure on our prisons, both in terms of prison bed demand and specialist prison-based rehabilitation services. Given the success of the Magistrates' Court Drug Court, the government is confident that the County Court Drug Court will have a positive impact on the lives of offenders, their families and the broader community.

I thank the Chief Judge, and his Court, for their ongoing engagement and assistance with these reforms. I would also like to thank the Magistrate's Court for their work in demonstrating the success and benefits of the drug court model.

#### **Amendment to Schedule 1 of the VCAT Act**

The Bill makes an important amendment to the *Victorian Civil and Administrative Tribunal Act 1998* (VCAT Act) to protect the privacy of parties to *Voluntary Assisted Dying Act 2017* (VAD Act) proceedings. An applicant under the VAD Act may apply to the Victorian Civil and Administrative Tribunal (VCAT) for a review of certain decisions. Despite the highly personal and sensitive nature of such proceedings, the VCAT Act does not currently provide for the confidentiality of those proceedings. Schedule 1 of the Act does, however, contain confidentiality clauses in relation to other highly sensitive proceedings, including those under the *Medical Treatment Planning and Decisions Act 2016*, *Powers of Attorney Act 2014*, and the *Guardianship and Administration Act 1986*.

The Bill will ensure that no publication or broadcast of VCAT proceedings relating to VAD Act matters may occur, where such publication or broadcast could lead to the identification of a party, unless VCAT is satisfied that it is in the public interest. The new clause mirrors other Schedule 1 confidentiality clauses, and brings the treatment of VAD Act proceedings into alignment with other proceedings of a similarly sensitive nature.

#### **Amendment to *Limitations of Actions Act 1958***

On 18 September 2019, the *Children Legislation Amendment Act 2019* became law. That Act contained landmark Victorian Government reforms enabling survivors of institutional child abuse to apply to the courts to overturn unfair historical compensation agreements entered into before 1 July 2015. Since this time, the Government has listened to victim survivors, who raised concerns that these reforms did not apply to those who entered into agreements due to the existence of the Ellis Defence, which was abolished on 1 July 2018.

The reforms in this Bill will give those survivors the same access to justice. These reforms ensure that survivors of institutional child abuse are not left worse off as a result of their participation in internal redress schemes established by the Catholic Church and other institutions. This is not limited to sexual abuse, but includes other forms of child abuse where a deed of release has been signed.

#### **Amendment to the *Children, Youth and Families Act 2005***

The Bill will amend the *Children, Youth and Families Act 2005* to alleviate workload pressure on the Youth Parole Board by allowing for an appointment of an additional, alternate chair person, and expanding eligibility for chair and alternate chair positions to include current and former County Court judges, magistrates and Australian lawyers of at least 10 years' standing. This will better support the Board undertake its vital function in relation to managing the youth parole system.

#### **Amendment to the *Charities Act 1978***

Finally, the Bill will amend the *Charities Act 1978* to allow the Attorney-General to delegate any of her powers or functions under that Act and the regulations, except the power of delegation. This will enable the efficient exercise of these powers.

I commend the Bill to the house.

**Mr SOUTHWICK (Caulfield) (10:25):** I move:

That the debate be now adjourned.

**Motion agreed to and debate adjourned.**

**Ordered that debate be adjourned for two weeks. Debate adjourned until Thursday, 2 April.**

**WAGE THEFT BILL 2020***Statement of compatibility*

**Ms HENNESSY** (Altona—Attorney-General, Minister for Workplace Safety) (10:26): In accordance with the Charter of Human Rights and Responsibilities Act 2006, I table a statement of compatibility in relation to the Wage Theft Bill 2020.

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (Charter), I make this Statement of Compatibility with respect to the Wage Theft Bill 2020 (Bill).

In my opinion, the Wage Theft Bill 2020, as introduced to the Legislative Assembly, is compatible with human rights protected by the Charter. I base my opinion on the reasons outlined in this statement.

**Overview**

The Bill protects employees by clearly making wage theft a crime. The Bill creates a new Wage Theft Act that will:

- create a new criminal offence of wage theft to capture employers, and officers of employers, who withhold employee entitlements from their employees dishonestly;
- create two new record keeping offences to capture employers, and officers of employers, who falsify or fail to keep employee entitlement records dishonestly with a view to gain for themselves or another, or with intent to cause loss to another; and
- establish the Wage Inspectorate Victoria (Inspectorate) to investigate and prosecute the new offences.

The Bill will hold employers to account for deliberate underpayment or non-payment of wages and other employee entitlements.

The Bill implements the government's 2018 election commitment to:

- introduce new offences targeting employers who deliberately withhold employee entitlements, or who falsify or fail to keep employment records with individuals who commit these offences, being liable for up to 10 years imprisonment (level 5) or fines of up to \$198,264, with companies facing fines of up to \$991,320; and
- establish the Inspectorate.

Victims of wage theft experience financial pressures associated with low wages, including not being able to pay for daily expenses such as food, medicine, housing, utilities or save for their future. Temporary visa workers, who are disproportionately affected by wage theft, face the added stress of having their sponsorship arrangement cancelled resulting in potential deportation.

The new employee entitlement offences will discourage this exploitation and encourage fair industrial relations practices to positively influence the life quality of employees. The new offences will also send a clear message that theft of wages by employers is theft and should be treated as seriously. The penalties reflect the significant consequences of wage theft on employees, impacting on the quality of life and dignity of employees.

The Bill establishes the Inspectorate as a public statutory authority to be headed by a Commissioner for the purpose of enforcing the offences, and whose functions include:

- to perform functions necessary for the administration of the Bill;
- to inform, educate and assist persons in relation to employee requirements and obligations under the Bill;
- to promote, monitor and enforce compliance with the Bill;
- to investigate the commission or possible commission of employee entitlement offence and other matters; and
- commencing criminal proceedings in relation to employee entitlement offences and related matters.

The Bill will allow the Commissioner to appoint wage theft inspectors who will have the power to:

- enter premises;
- obtain information and documents;
- seize evidence;

- bring criminal proceedings;
- apply for and execute search warrants; and
- accept undertakings, apply for an order to enforce an undertaking and commence proceedings if the Magistrates' Court determines that the person has failed to comply with an undertaking,

The exercise of any coercive powers by the Inspectorate, the Commissioner and inspectors is appropriately safeguarded in the Bill. The Victorian Inspectorate will monitor the exercise of coercive powers by the Inspectorate, investigate and assess the conduct of the Inspectorate in relation to its use of coercive powers, and report on and make recommendations on the performance of these functions. The Inspectorate is required to provide the Victorian Inspectorate with assistance to enable the Victorian Inspectorate to conduct an investigation into its use of coercive powers under the Bill. The Victorian Inspectorate is required to include in its annual report details of:

- its monitoring of the exercise of coercive powers by the Inspectorate;
- the adequacy of reports made by the Inspectorate to the Victorian Inspectorate; and
- any action taken following any recommendations made by the Victorian Inspectorate.

### **Human Rights Issues**

The Bill engages in the following human rights under the Charter:

- The right to privacy and reputation (section 13)
- The right not be deprived of property (section 20)
- The right to liberty (section 21)
- The right to be presumed innocent (section 25(1))
- Rights in criminal proceedings including the right to be presumed innocent (section 25(1)) and the right not to be compelled to testify against himself or herself or to confess guilt (section 25(2)(k)).

For the following reasons, I am satisfied that the Bill is compatible with the Charter and, if any rights are limited, the limitation is reasonable.

### **Employee Entitlement Offences**

#### **Right to liberty**

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

Clause 6 creates an indictable offence where an employer, or an officer of an employer, dishonestly withholds the whole or part of an entitlement owed to an employee, or dishonestly permits or authorises another person to do so. Clause 7 and 8 creates an indictable offence for an employer, or an officer of an employer, to falsify or fail to keep employee entitlement records dishonestly with a view to gain for themselves or another, or to prevent exposure of a financial advantage. These offences carry a maximum penalty of 10 years imprisonment for individual officers or self-employed persons, which interferes with a person's right to liberty.

The limitation will only arise where the prosecution can prove, beyond reasonable doubt, that a person has committed an offence and the court finds the person guilty and imposes a term of imprisonment. Subclauses 6(5) and 6(10) also provide the employer, or an officer of the employer, with a defence so if they can demonstrate they exercised due diligence to pay or attribute the entitlement to the employee, they will not be convicted. Further, in sentencing, the court will have regard to the sentencing principles set out in Part 2 of the Sentencing Act in determining the appropriate sentence.

Therefore, interferences with the right to liberty under this Bill are neither arbitrary nor unlawful and are compatible with section 21 of the Charter. Further, to the extent that any of these provisions may result in limiting the right to liberty, I consider that any such limitation is reasonable and justified in accordance with section 7(2) 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 proven 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.

Clause 13 provides that if a body corporate commits an employee entitlement offence, each officer of the body corporate must be taken to have also committed the offence and may be prosecuted and found guilty of the offence, regardless of whether the body corporate has been prosecuted for or found guilty of the offence.

An officer of the body corporate is therefore deemed to have committed that offence unless the officer can demonstrate they exercised due diligence to prevent the commission of the offence. An 'officer' includes those individuals at the highest level of the organisation, for example, directors of bodies corporate. But in particular, it also captures people who participate in making decisions that affect a substantial part of the organisation's business, or who have the capacity to significantly affect the organisation's financial standing.

Clause 14 and Clause 15 provide that if a partnership or an incorporated association commits an offence, each partner of the partnership and office holder of the unincorporated association also commits that offence if the partner or office holder failed to exercise due diligence to prevent the commission of the offence.

These provisions interfere with a person's right to be presumed innocent. Section 25(1) is relevant in relation to the employee entitlement offences for an officer in a body corporate, partner in a partnership and office holder in an unincorporated association.

These provisions are relevant to the presumption of innocence as they may operate to deem an individual liable for an offence based on the actions of the body corporate, partnership or unincorporated association. In these circumstances, the accused does not need to have been directly involved in the commission of the offence to be held criminally liable. The provisions reverse the onus and require the accused to demonstrate on the balance of the probabilities that they exercised due diligence.

While the penalties for these offences are substantial, clauses 13(3), 14(4) and 15(4) provide that if the defendant would not have been liable but for the operation of clause 13, 14 or 15, the defendant is not liable to be punished by imprisonment for that offence.

In my view, it is justifiable to extend these offences and reverse onus provisions to officers of bodies corporate. A person who elects to undertake a position as an officer, partner or office holder accepts that they will be subject to certain requirements and duties, including a duty to ensure that the body corporate, unincorporated partnership or association does not commit offences. I further consider that any limitation of the right to the presumption of innocence occasioned by the reverse onus in clause 13, 14 and 15 is reasonably justified to ensure organisations and officers are held to account for ensuring appropriate systems are in place and entitlements are paid.

In my view, there are no less restrictive means reasonably available to deter corporate offending, which affects a significant number of employees who also have a right to property, being the entitlements lawfully owed to them. This is also proportionate as an officer liable under this provision is not liable to be punished by imprisonment. Further, a defendant who has exercised due diligence will be able to provide evidence of this and thereby appropriately avoid liability. In my opinion, any limitation of the right is reasonable and justified under section 7(2) of the Charter.

### **Investigations by the Inspectorate**

#### *Right to freedom of movement*

Section 12 of the Charter provides that every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it, and has the freedom to choose when to leave.

Clause 52 of the Bill provides the Inspectorate with the power to compel a person to attend at a specified time and place to give evidence or answer any relevant questions on oath or affirmation before the Inspectorate. The power to compel attendance and compulsorily answer questions would usually be used if the Inspectorate is unable to obtain the information by consent or through the exercise of other powers. Insofar as compelling attendance restricts freedom of movement, the Bill limits this right. However, I consider that the limitation is reasonable and justifiable as it is necessary for the Inspectorate to have access to all relevant information to properly carry out its functions under the Bill. The limitation is relatively minor in nature, given that a person's movement will only be restricted for a limited amount of time. Furthermore, the Bill includes a safeguard for the use of this coercive power as an audio or video recording and transcript must be provided to the Victorian Inspectorate, and the Victorian Inspectorate may require the Wage Inspectorate to provide a written report on the attendance.

The Bill amends the *Victorian Inspectorate Act 2011* to give the Victorian Inspectorate the power to require an officer of the Inspectorate to attend and answer questions under that Act with respect to the exercise of a coercive power under the Bill. This power is important for the Victorian Inspectorate as it enables it to effectively conduct its role, which is in the public interest. Further, any restriction on freedom of movement is so minor, reasonable and proportionate that in my opinion the limitation is justifiable.

#### *Right to privacy and reputation*

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

*Power to enter premises or obtain a search warrant*

The Bill provides Inspectors with the power during an investigation to enter premises with consent (clause 38), without consent in certain circumstances (clause 40) or with a search warrant (clause 44). While exercising this power to enter premises, an inspector may inspect or examine anything, seize or secure against interference any document or other thing, make copies or take extracts of any document and make any still or moving image, audio or audio-visual recording.

The power for inspectors to enter and search premises, and seize any document or other thing, with the consent of the owner or occupier does not, in my opinion, limit the right to privacy and reputation, as it is exercised with the consent of the owner or occupier. Appropriate safeguards also exist to ensure the owner or occupier is informed in giving consent, including the requirement for the inspector to inform the owner or occupier that they may refuse to give consent to the exercise of this power, including the seizure of a document or thing, or copy or extract of a document. The inspector must also inform them that any document or other thing seized or taken may be used in evidence in proceedings, and the owner or occupier must sign an acknowledgement form that includes a statement that the inspector has complied with these requirements.

The power to enter premises without consent may limit the right to privacy and reputation. However, I consider any limitation of the rights is reasonable and justifiable where consent to enter is not provided as the coercive power has the following restrictions:

- before it exercises the power, the inspector must hold a reasonable belief that there are documents, persons or other things at the premises that are relevant to the commission or possible commission of an employee entitlement offence, and must reasonably believe that the owner or occupier has not or would not consent to the inspector entering the premises;
- the power is restricted to premises that are a workplace, the registered office of a body corporate or at which work is carried out or records are kept that the inspector reasonably believes may be relevant to the commission or possible commission of an employee entitlement offence. A workplace will include residential premises where work is carried out, but does not include a part of any premises that is the domestic home of a person, and;
- a notice has been given to the owner or occupier at least five business days before entry, with immediate access only permitted where the inspector believes on reasonable grounds that the entry is necessary to prevent evidence being concealed, lost or destroyed, or the commission of an offence.

The Bill also provides inspectors with the power to apply for and obtain a search warrant to enter premises and search for a document or thing. This power may also limit the right to privacy and reputation. However, in my opinion this power is reasonable and justified as in practice the power would only be used where evidence is unable to be obtained using the Inspectorate's investigative powers and where obtaining this evidence is necessary for the Inspectorate to effectively obtain information and fulfil its functions.

The power to obtain a search warrant is also restricted to circumstances where a magistrate is satisfied by evidence on oath or affirmation or affidavit of the Inspectorate, that there are reasonable grounds to believe that there is on the premises a document or thing connected with an employee entitlement offence.

The risk that the powers above present to a person's reputation is limited, given a person who has been an Inspectorate staff member may only record or disclose any information in limited circumstances.

In my opinion any limitation on rights imposed by the exercise of these coercive powers is necessary to enable the Inspectorate to effectively obtain information and fulfil its functions.

*Power to require production of documents and to answer questions*

Clause 48 of the Bill provides the Inspectorate, when entering a premises, the power to require production of documents or part of a document, to examine that document or part, and to require a person at the place to answer any questions put by the inspector. This power may limit the right to privacy and reputation. However, I consider any limitation of the right is reasonable and justifiable, given the coercive power has appropriate safeguards in place:

- the power is limited to the investigation of the commission or possible commission of an employee entitlement offence;
- a person may refuse or fail to answer any question if answering the question would tend to incriminate them. As outlined below this privilege is not extended to the production of documents; and
- the use of the power must be reported, and an audio and video recording of any attendance must be provided, to the Victorian Inspectorate. The Victorian Inspectorate may require the Wage Inspectorate to provide a written report on the attendance.

The risk to a person's reputation is limited, given a person who has carried out functions under this Bill may only make a record or disclose any information in limited circumstances.

In my opinion any limitation on rights imposed by the exercise of this coercive power is necessary to enable the Inspectorate to effectively obtain information and fulfil its functions.

*Power to compel production of documents and other things or attendance*

Clause 52 of the Bill provides the Inspectorate with a general power during an investigation to obtain information or evidence by requiring a person to produce to the Inspectorate a specified document or other thing or provide specified information at a specified time or manner. It also requires a person to attend and give evidence or answer questions on oath or affirmation or produce a specified document or other thing before the Inspectorate at a specified time and place. This power may limit the right to privacy and reputation.

In my opinion any limitation on rights imposed by the exercise of this coercive power is reasonable and justifiable as it necessary to enable the Inspectorate to effectively obtain information and fulfil its functions. This power is restricted to investigating the commission or possible commission of an employee entitlement offence.

The risk to a person's reputation is limited, given a person who obtains information in carrying out a function under this Bill may only make a record or disclose any information in limited circumstances.

The power to compel production of documents and other things or attendance has appropriate safeguards in place for persons subject to the power such as:

- a notice must be served on the person with an accompanying statement that includes a statement that:
  - o the person has a right to legal representation;
  - o the person may claim a privilege;
  - o the person is entitled to seek legal advice in relation to the notice; and
  - o the power does not need to comply with the notice if the person summoned is under the age of 16 years when the notice is given.
- the Inspectorate cannot issue a notice to a person who is aged at least 16 years, but under 18 years, at the time the notice is given, unless the Victorian Inspectorate considers on reasonable grounds that the information, evidence, document or thing that the person could provide may be compelling and probative evidence, and it is not practicable to obtain the evidence, information, document or thing by any other means.

The power to compel attendance also has the following safeguards:

- a person attending who has insufficient knowledge of the English language must be provided with a competent interpreter;
- a person attending must be accompanied by an independent person if the Inspectorate believes the person attending has a mental impairment or the person has reasonably satisfactory medical evidence that they have a mental impairment;
- a person attending must be accompanied by a parent, guardian or independent person; and
- the use of the power must be reported, and an audio and video recording must be provided, to the Victorian Inspectorate.

*Confidentiality requirements*

Clause 77 of the Bill allows a person to disclose information acquired in carrying out a function under the Bill if:

- the information is reasonably necessary for the person to perform his or her functions under the Bill;
- the disclosure is to a court or VCAT in the course of legal proceedings;
- the disclosure is under an order of a court or VCAT;
- the disclosure is to the extent reasonably required to enable the investigation or the enforcement of a law of Victoria or any other state or territory or of the Commonwealth; or
- the disclosure is with written consent of the person to whom the information relates.

The Commissioner or an inspector may also disclose information acquired in carrying out a function under the Bill that relates to the commencement, progress or outcome of an investigation if the Commissioner is satisfied that it is in the public interest to do so.



This power engages section 13 of the Charter as it limits the privacy of a person being investigated by the Inspectorate and may increase the risk of reputational damage by increasing the number of people who have access to potentially damaging information.

In my opinion any limitation is justified because the power is only permitted to the limited circumstances above, and the relevant person cannot make a disclosure outside these listed circumstances.

In addition, this power is subject to any other restriction on the provision or disclosure of information under this Bill or any other Act.

#### 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 and are confined and structured.

There are four situations where the Inspectorate may deprive a person of property:

1. An inspector, when entering premises with consent, may seize any document or other thing found at the premises.
2. An inspector, when entering premises without consent, may seize or secure against interference, any document or other thing.
3. An inspector, when entering premises with a search warrant, may seize any document or other thing. The inspector may seize a document or other thing not specified in the warrant in limited circumstances.
4. An inspector may require a person to produce a specified document or other thing at a specified time and in a specified manner.

These powers engage section 20 but do not limit it. This is because these powers are prescribed by the Bill. The first three powers are also appropriately confined to certain circumstances:

- The first and second identified power to enter and seize anything with consent is appropriately confined to circumstances where the inspector reasonably believes on reasonable grounds that the document or thing is connected with the commission or possible of commission of an employee entitlement offence. In using the first power, an inspector must ask the owner or occupier to sign an acknowledgement form before the inspector seizes the document or other thing; and
- The third identified power to exercise powers under a search warrant will in practice be confined to circumstances where the evidence is unable to be obtained using the Inspectorate's investigative powers and where a magistrate is satisfied that there are reasonable grounds to believe that there is on the premises a document or other thing, or a document or other thing of a particular kind, connected with an employee entitlement offence. The inspector may seize a document or thing not specified in a search warrant if it could have been included in a search warrant, it is evidence of an employee entitlement offence, and the inspector believes on reasonable grounds that it is necessary to seize that document or other thing in order to prevent its concealment, loss or destruction or its use in an employee entitlement offence.

The exercise of these coercive powers will be subject to oversight by the Victorian Inspectorate. All powers also require the Inspectorate to take reasonable steps to return any seized documents or thing to the owner if the reason for its seizure no longer exists. The document or thing may be kept for a period exceeding three months in limited circumstances.

To the extent that these powers could be considered to deprive a person of property, any such interference will be appropriately confined and tailored to ensuring compliance with the Bill. I also believe these prescribed powers are necessary to enable the Inspectorate to effectively obtain information and fulfil its functions. I therefore consider these provisions to be compatible with the right to property under section 20 of the Charter.

#### Right to liberty and security of person

Division 2 of Part 5 of the Bill contains offences that carry a term of imprisonment for a person who:

- assaults, directly or indirectly intimidates or threatens, or attempts to intimidate or threaten, an inspector or a person assisting an inspector;
- is given a notice to take an oath, make an affirmation or answer a question and the person refuses or fails, without reasonable excuse, to take an oath or make an affirmation when required to do so;
- has been given a notice to produce a document or other thing to the Inspectorate or attend the Inspectorate and, without reasonable excuse, fails to comply with the notice;

- gives information to an inspector, the Inspectorate or the Commissioner that the person believes to be false or misleading in a material particular; or
- produces a document to an inspector, the Inspectorate or the Commissioner that the person knows to be false or misleading in a material particular without indicating the respect in which it is false or misleading and, if practicable, providing correct information.

The maximum term of imprisonment is two years for all offences under Part 5 of the Bill, except for the offence of discriminating against a person for complying with the Bill which is a maximum of one year.

Under section 21(3) of the Charter, a penalty that includes a term of imprisonment may only limit the right not to be deprived of liberty where it is on grounds and in accordance with procedures that are established by law. The penalties in this Bill will be established by law, will be subject to a finding by a Court, and the grounds for imprisonment are clearly articulated in law. As such, I do not consider the Bill limits the right to liberty and security of person, as provided by section 21 of the Charter.

#### Rights in criminal proceedings

Section 25 of the Charter establishes that a person charged with a criminal offence is entitled without discrimination to the minimum guarantee that he or she will not be compelled to testify against himself or herself or to confess guilt.

Clauses 49 and 55 of the Bill limits this right to the extent that it abrogates the privilege against self-incrimination for natural persons in relation to a request for documents by the Inspectorate, with a direct use immunity provided for any documents obtained that are not required to be kept by law. Those documents cannot be used as evidence against the person who produced them in a criminal proceeding for an employee entitlement offence.

The exercise of coercive powers under the Bill will be subject to oversight by the Victorian Inspectorate.

In my opinion, any limitation on the privilege against self-incrimination for natural persons is justified because:

- the abrogation of the privilege against self-incrimination is necessary to enable the Inspectorate to effectively obtain information and fulfil its functions given the offences are document-based offences and the Inspectorate would face great difficulties investigating the offences if the privilege against self-incrimination was maintained in relation to documents. It is in the public interest to successfully prosecute these offences and protect exploited employees;
- a document, and any information, document or thing obtained as a direct consequence of producing the document, that is not required to be kept by law will not be admissible in evidence against the person in respect of an employee entitlement offence. Documents that are required to be kept by law will be admissible in evidence against the person for any offence, and documents not required to be kept by law will be admissible in evidence against the person for offences other than employee entitlement offences.;
- other Victorian statutes provide for such an abrogation in relation to documents, particularly regulatory integrity bodies;
- at common law the protection accorded to the compelled production of pre-existing documents is considerably weaker than the protection accorded to oral testimony or to documents brought into existence to comply with a request for information; and
- in the context of a regulated scheme such as the Fair Work scheme, it is the expectation that documents or records are required to be produced during the course of a person's participation in that scheme and exist for the dominant purpose of demonstrating that person's compliance with his or her relevant duties and obligations. The duty to provide documents in this context is consistent with the reasonable expectations of these individuals as persons who operate within a regulated scheme.

I therefore consider these provisions to be compatible with the rights in criminal proceedings under section 25 of the Charter.

For the reasons outlined above, the proposed offences contain in this Bill are compatible with human rights set out in the Charter.

The Hon Jill Hennessy MP  
Attorney-General  
Minister for Workplace Safety

*Second reading*

**Ms HENNESSY** (Altona—Attorney-General, Minister for Workplace Safety) (10:27): I move:

That this bill be now read a second time.

I ask that my second-reading speech be incorporated into *Hansard*.

**Incorporated speech as follows:**

This Bill will deliver on the Victorian Government's commitment to introduce criminal offences to target wage theft, to ensure that Victorian workers receive what they are lawfully entitled to—a fair day's pay for a fair day's work. In particular, this Bill will:

- create new wage theft offences, targeting employers who steal pay and other employee entitlements, or engage in efforts to obscure wage theft through dishonest record keeping practices;
- establish the Wage Inspectorate Victoria (the Inspectorate) as statutory body and provide it with functions and powers to enable it to investigate and prosecute the new wage theft offences.

In recent months, we've seen story after story of Australian workers being exploited and a Commonwealth system that far too often fails to adequately respond. A string of large, high profile companies have recently self-reported almost half a billion dollars in possible underpayments with Woolworths alone admitting it may be responsible for failing to pay over \$300 million in entitlements.

It is clear that the existing Commonwealth civil penalty regime does not provide a strong enough deterrent to prevent wage theft. This Bill sends a strong message to employers that stealing the lawful entitlements of your employees will not be tolerated and significant penalties, including jail terms, can be imposed on those who do. This Bill makes it clear that theft is theft, and that just because it was committed by an employer does not make it any less of a crime.

The Bill will provide that employers and their officers may be held criminally liable for employee entitlement offences. Employers, and officers of employers, can be held criminally liable:

- where they dishonestly withhold the whole or part of an entitlement owed to an employee, or dishonestly permit or authorise another person to do so;
- where they falsify employee entitlement records to dishonestly obtain a financial advantage, or prevent its exposure, or dishonestly permit or authorise another to do so; and
- where they fail to keep employee entitlement records to dishonestly obtain a financial advantage, or prevent its exposure, or dishonestly permit or authorise another to do so.

The maximum penalties for these offences will be nearly \$1 million (\$991,320) for bodies corporate and 10 years' imprisonment for individuals. These penalties are consistent with the penalty for theft under section 74 of the *Crimes Act 1958* (Vic). They are designed to help prevent theft of employee entitlements by deterring organisations and individual officers from not paying what is owed to their employees or falsifying or failing to keep employee entitlement records.

The offences will apply to employers and officers of employers, of all types and sizes, including corporations, individuals and the Crown, to ensure that prosecutions may be brought in all appropriate cases. 'Employment' is not defined in the Bill so that the common law will apply, meaning the law developed through judgements in cases heard by courts, including the High Court. Under the common law, the court considers each case against a list of factors indicative of an employment relationship.

**Criminalising withholding of employee entitlements**

The theft offence will criminalise the conduct of employers and officers of employers who dishonestly withhold entitlements. The Bill provides a new definition of 'dishonesty' specifically for the employee entitlement offences, departing from the standard of dishonesty applied to the general Victorian theft offence. An employer or officer will cross the line if they are dishonest to the standards of a reasonable person. This is an objective test and is intended to capture conduct that is deliberately or recklessly dishonest.

The Bill provides that 'employee entitlements' include any amount payable by an employer to an employee in accordance with a relevant law, contract or agreement. This may include wages, allowances, gratuities, superannuation and other entitlements such as leave. The Bill is intended to capture a wide variety of conduct that results in entitlements being withheld, including 'cashback' arrangements, unlawful deductions, 'sham contracting' and illegal 'phoenixing.'

The Bill is not intended to punish employers who have made genuine mistakes. A defence is available to employers and officers who can prove that they exercised due diligence to pay or attribute employee

entitlements. To rely on the defence, the employer will have had to have taken reasonable steps before the commission of the offence. What is reasonable for employers will depend on the size and nature of the organisation, and disregarding requirements of a regulator will be evidence that an employer has not taken reasonable steps

#### **Falsification of and failure to keep employee entitlement records**

Employers and officers engaging in wage theft commonly falsify employee entitlement records as part of their offending or covering it up. The falsification of entitlement records offence will include producing, making or copying a record that is misleading, false or deceptive. It will also include altering a record or providing information that causes the record to be misleading or false. The prosecution will be required to prove the falsification was done dishonestly with a view to obtaining a financial advantage or preventing a financial advantage from being exposed. The definition of 'falsify' will not capture people who accidentally mis-record details and rectify payroll errors in an appropriate and honest manner.

The offence of failing to keep an employee entitlement record will make employers and officers criminally liable if they dishonestly fail to keep employment records with an intention to gain a financial advantage or prevent a financial advantage from being exposed. The offence will not capture employers or officers who fail to keep a record because of an honest oversight.

#### **Body corporates and officers could be held liable**

Organisations will be held accountable through a new corporate criminal liability model. The conduct and state of mind of officers and the board of directors will be attributed to the organisation. The conduct of other employees will be attributed where they are acting under the direction of an officer or the board, or where a corporate culture exists that encourages or supports the conduct. The state of mind of other employees will also be attributed where there is such a corporate culture.

To ensure that organisations are accountable for an officer's action, if an officer commits an offence, the organisation is also taken to have committed an offence. The organisation has a defence if it exercised due diligence in preventing the commission of an offence. An organisation would also not be liable for acts of 'rogue' employees (that is, employees who act outside the actual or apparent scope of their authority).

The Bill will hold individual officers to account, as well as the organisation. An 'officer' includes those individuals at the highest level of the organisation, for example, directors or partners. It will also capture people who participate in making decisions that affect a substantial part of the organisation's business, or who have the capacity to significantly affect the organisation's financial standing, regardless of their position within the organisation.

If the body corporate is liable, the Bill provides that criminal liability can also be attributed to officers unless they are able to demonstrate that they exercised due diligence to prevent the conduct. If an officer is found criminally liable solely as a result of this provision, the officer will not be liable for imprisonment. This approach will encourage corporate cultural change by making all officers responsible for ensuring that their employees are being paid their entitlements, even if those officers are not directly involved in payroll decisions.

The offences will not apply to employees who are not 'officers'. This is consistent with the Bill's objective, which is to hold organisations and high-level officers to account for ensuring appropriate systems are in place and entitlements are paid.

This Bill provides that Part II, Division 1 of the *Crimes Act 1958* (Vic) will apply to the wage theft offences. This will enable third parties who are complicit in offending, including third parties who 'intentionally assist' in the offending, to be prosecuted. This could include head franchisors who 'encourage' franchisees to engage in wage theft to assist their business viability.

The offences are intended to capture situations where an entitlement is paid or accrued in Victoria, where the employer is based in Victoria or where the employee performed the work in or mainly in Victoria.

#### **The Wage Inspectorate Victoria**

To ensure that the new wage theft laws are effectively enforced, offences will be investigated and prosecuted by the independent statutory body, the Wage Inspectorate Victoria (Inspectorate). The Inspectorate will have expertise in industrial relations laws as well as a dedicated criminal law enforcement arm.

The Bill provides the Inspectorate with functions and powers related to the enforcement and prosecution of the employee entitlement offences, as well as information and evidence gathering powers necessary to support the investigation of potential offences.

The Inspectorate will be led by a Commissioner, appointed by the Governor in Council on the recommendation of the Minister for Industrial Relations. Investigative and prosecutorial functions of the Inspectorate will be independent and not subject to Ministerial direction or control.

The Victorian Inspectorate (VI) will be responsible for oversight of the Inspectorate and the exercise of its coercive powers.

### **Enforcement model**

To ensure the effectiveness of the offences, the Bill provides for a robust enforcement framework that facilitates appropriate and proportionate responses to offending, including commencing criminal proceedings where appropriate. The Bill provides an enforcement model which includes powers to enable the Inspectorate to inquire into and investigate employee entitlement offences and bring criminal proceedings in circumstances where there is evidence of an offence and it is in the public interest to do so.

The Bill provides for the appointment of wage theft inspectors with strong and appropriate investigative powers, including the power to enter premises, obtain information and documents, seize evidence, request attendance under oath or affirmation before the Inspectorate, apply for and execute search warrants, bring criminal proceedings and enter into and accept undertakings, which may be enforced against the employer in the event that they are breached.

In the rare event that Victoria Police were needed to facilitate a wage theft investigation, the Inspectorate would seek assistance from them as required.

The Bill provides for inspectors to enter premises, at a reasonable time, for the purpose of inquiring into an alleged employee entitlement offence. They must hold a reasonable belief that there are documents, persons or other things at the premises that are relevant to the suspected offence in order to exercise this power and may enter either by consent or through the service of a written notice.

On exercising a power of entry, an inspector will conduct inquiries into suspected or alleged employee entitlement offences, inspect, examine or seize anything at the premises and make copies of or take extracts from any document produced, take photographs and document observations. The inspector can also require the production of documents and require a person to answer any questions. It will be an offence for a person to refuse or fail to comply with the requirement without reasonable excuse.

A person may refuse to answer any questions if the answer may tend to incriminate the person or expose them to a penalty. The privilege against self-incrimination will apply to natural persons in relation to a request to answer any question but will not apply to bodies corporate, consistent with section 187 of the *Evidence Act 2008* and the common law approach. However, the privilege against self-incrimination is not available in response to a request by an inspector to provide a document.

Documents provided under this power will only be admissible in proceedings if they are documents required to be kept by law or in proceedings in relation to the false or misleading nature of the information.

The Bill contains compulsory powers to obtain information or evidence for the purpose of ascertaining whether an employee entitlement offence has been committed. These information-gathering powers are necessary to ensure that the Inspectorate is able to obtain the relevant information it needs to make decisions about prosecution. Compulsory powers can only be exercised by serving a written notice requiring the recipient to provide the Inspectorate with the relevant information, document or thing sought at a specified time and in a specified manner, or attend to give evidence or answer any relevant questions on oath or affirmation before the Inspectorate.

The power to compel attendance and compulsorily answer questions would usually be used if the Inspectorate is unable to obtain the information by consent or through the exercise of other powers. This power cannot be used for a person under the age of 16 years. Appropriate safeguards are in place when exercising this power, including requirements to allow a person to be represented by a legal practitioner, a competent interpreter where a person does not have sufficient knowledge of the English language, a person with a mental impairment to be accompanied by an independent person and a person aged 16 to 18 years to be accompanied by a parent, guardian or independent person known to the person attending.

The Bill also provides inspectors with the power to apply for and obtain a search warrant in order to seize evidence in circumstances where the evidence is unable to be obtained using investigative powers. A magistrate will be able to issue a search warrant if the court is satisfied that there are reasonable grounds for suspecting that a document or thing in a premises is relevant to determining whether any offences under this Act are being commissioned.

The VI will monitor the exercise of coercive powers by the Inspectorate, investigate and assess the conduct of the Inspectorate's wage theft inspectors, and report on and make recommendations on the performance of these functions.

The Inspectorate will have the power to accept undertakings from an employer in relation to an alleged commission of a relevant offence. The undertakings are not intended to be used to recover employee

entitlements or seek similar remedies. The Inspectorate will be able to take any necessary civil action against employers who breach the undertakings.

The Inspectorate will be responsible for bringing criminal proceedings for the new wage theft offences. The decision to bring criminal proceedings will lie with the Commissioner following an assessment of the evidence and a determination that there is a reasonable prospect of conviction and it is in the public interest to prosecute.

The Office of Public Prosecutions will be responsible for prosecuting indictable offences and will take over proceedings after the accused is committed to trial.

The Inspectorate will be able to seek restitution orders under section 84 of the *Sentencing Act 1991* to enable recovery of unpaid entitlements. Those orders can be made in addition to any penalties imposed following a plea or finding of guilt.

The offences will commence on a day to be proclaimed or at the default commencement date of 1 July 2021.

The Bill will hold accountable employers who steal from their workers, thereby ensuring workers are protected from exploitation and receive a fair day's wage for a fair day's work.

I commend the Bill to the house.

**Mr SOUTHWICK** (Caulfield) (10:27): I move:

That the debate be now adjourned.

**Motion agreed to and debate adjourned.**

**Ordered that debate be adjourned for two weeks. Debate adjourned until Thursday, 2 April.**

## **DISABILITY SERVICE SAFEGUARDS AMENDMENT BILL 2020**

### *Second reading*

**Debate resumed on motion of Mr DONNELLAN:**

That this bill be now read a second time.

**Mr T BULL** (Gippsland East) (10:27): I rise to make a contribution on the Disability Service Safeguards Amendment Bill 2020. There are some points that I wish to make on this bill, but before I do I will just put on record the major purposes of this bill, which are to amend the Disability Service Safeguards Act 2018. This bill is a very short bill, but in short it clarifies the definition of 'approved registration standard'; it provides for consistency with amendments by the Disability (National Disability Insurance Scheme Transition) Amendment Act 2019, which is the federal act; it repeals provisions relating to provisionally registered disability support workers; it extends the time period during which the provision of disability services by an individual applying for registration as a disability worker will qualify that individual for registration; and it makes various minor and consequential amendments to the Disability Service Safeguards Act 2018. In making this contribution, I do thank the departmental staff for making their time available last Friday for a bill briefing.

The first point that I wish to make on this bill is that the time frame for the state registration scheme to kick in is, as we all know, just as matter of months away. But as yet the Disability Worker Registration Board of Victoria has not yet released what those standards will be.

I understand from the bill briefing that the board is currently considering submissions that are being made to it, but there remains the concern from a number of providers and also some workers in the disability sector that those standards are not yet known. There is also a level of concern about how these standards will be relayed to the disability sector. One disability service provider has said to me that they have had some advice that they will simply be displayed on the Department of Health and Human Services website when finished. I would certainly hope that that does not prove to be the case. The reason is that I would hope the sector—and when I am talking about the sector I am referring mainly to service providers and workers—will have a window of opportunity to discuss these proposed measures prior to them being finalised. Because as it sits currently we have an industry that is awaiting these standards, and it is an industry that is wanting to ensure that there is no duplication with the federal registration and accreditation scheme.

This was something that was raised when the original bill came into this place in 2018, and now here we are, just months away from this bill coming into effect or the registration scheme coming into effect for the state. We are just months away from that, and we still have no definition around what those registration standards will be, so you can understand that this causes a level of concern for those who are involved in the disability sector. What the sector wants to know—what their thirst for information is—is the areas that potentially need improving in the federal scheme and how these will be addressed within the state scheme whilst avoiding duplication.

There is a concern also, and it is a point that I raised in the bill briefing, about how people working within the sector will be referred to, given that we have two registration schemes. I did get a response to the inquiry which I raised in the bill briefing, which was that unregistered workers in Victoria—and when I say unregistered workers in Victoria I mean workers unregistered under the Victorian scheme—can certainly promote the fact that they have been screened under the national disability insurance scheme (NDIS) regime. But the response did say that workers who choose to register under the state scheme can promote the fact that they have been screened as both safe and competent. I would certainly hope that if this is to be the case, that there is no inference here that those who have not undertaken registration through the state scheme are seen to be not safe and competent, because having completed the NDIS—the federal registration process—they would be absolutely safe and competent. Herein lies the very point of what will become confusing for providers. Herein lies the point that will become rather confusing for workers and also rather confusing for clients and those in the disability sector who are looking to engage providers.

I think we all acknowledge and know that this legislation before the house is about protections for disability workers who are not covered by the NDIS. We know that that is the core of where this legislation and where this registration is aiming to be. But there is certainly concern that the introduction of the Victorian disability worker code of conduct for workers who do not choose to register with the Disability Worker Registration Board imposes—I guess you would best term it—unnecessary dual regulatory requirements on both workers and organisations that are providing NDIS services. There remains a very strong view amongst providers—and a fair amount of workers, I will add—that workers providing NDIS supports should be excluded from compliance with the Victorian regulations as all these workers are covered by the NDIS Quality and Safeguards Commission requirements.

Of course this is one of the reasons why we need to see the registration standards that I referred to earlier in this discussion. They have not been released, and these are the points that we need to raise. Perhaps one of the speakers from the other side might be able to provide the house with some information around the time frame as to when these will be released, and there will be consultation hopefully before they are adopted for the 1 July deadline of this scheme coming into implementation.

I do make the point here that the national NDIS commission has the advantage—and I will call it an advantage—of regulating all NDIS workers as well as both unregistered and registered service providers because they can do this via the NDIS code of conduct. I am told that at the state level the disability worker scheme will complement the NDIS and the commonwealth's NDIS Quality and Safeguards Commission. What we have read in the second-reading speech that the minister tabled is that this state scheme will complement the federal scheme.

I was told as a follow-up to the bill briefing that the NDIS commission registers providers rather than individual workers—and that is the case—and that this is where the extra strength in the state system will lie. The state system will register individuals whereas the federal system will register providers. However, NDIS service providers have the very strong view that all workers that are employed by them must comply with the national worker screening requirements, and that provides the appropriate level of oversight for NDIS workers. That is the view of the providers. They also point out that additionally participants can request that unregistered workers undertake the national worker screening. I guess this goes to the very heart of the sticking point for some providers and some workers. Many in the sector do not oppose this bill. They do not oppose these amendments to it. They do not

oppose, I guess, the need for a Victorian scheme to indeed take place. But it is the concerns around duplication that are the most problematic for many to get their head around.

I think every member of this chamber would see the need for a system that picks up the workers outside the NDIS, because we do need this safety net in place—we do. And some people say, ‘Well, who are the disability workers that will be working outside the NDIS?’. We have disability workers working in the Transport Accident Commission (TAC). We have people engaged in the disability sector that are working in home and community care services. The program for young people is another. I think that we need that, but where this concern lies is in the duplication for NDIS workers.

We are happy that all Victorian disability workers will be subject to regulation regardless of their funding source. That is the way that it should be. That is the reason why we never opposed the original bill. It is the reason why the sector generally supports this bill. Whether your funding source is the NDIS or the TAC or the department, through home and community care, we need to have for all of our workers a strong safety net put in place. We have heard through previous parliamentary inquiries some of the abhorrent behaviours and acts that have occurred, but we do not need to make this cumbersome in doubling up for those workers who will already be screened at the federal level under the NDIS. So whilst we await the guidelines from the Disability Worker Registration Board of Victoria, I again stress it would be great for the sector to have a window for commentary into what is proposed there and the opportunity to discuss and tweak them if necessary.

While we are talking about Victorian disability workers and the workforce generally, I would also like to put on the record the need for the government to release some figures around the disability workforce transition to the NDIS. As we move to the NDIS we are obviously going to see a reduction of staff within the department, and it is of great interest to the Victorian disability sector how many of these staff have received packages, how many have transitioned over and how many have now transitioned over to service providers. Why this is pertinent information is that we need to ensure that the level of disability workers that have transitioned to new services meet the needs under the new scheme. It is quite important information. Although the NDIS is a service that is delivered on the basis of having client choice, what we also need to know is that the department will still maintain a reasonable level of workforce to deal with the complex matters that do arise in this sector and in this situation, which is something that I am sure the minister and the department are dealing with every day, and we are absolutely more than well aware of the complexities that can arise in the disability sector on a case-by-case basis. We will need that basis of workers maintained to deal with those issues that arise.

It would also be remiss of me, when talking on a bill that relates to NDIS service provision, not to have some discussion on the currently unfolding coronavirus situation that we have here in the state. We have had the chief executive of one disability service provider in Victoria already state yesterday that from her perspective the disability sector seems to have been largely ignored in commentary on the coronavirus. This comment is based on the fact that they really have not been offered any assistance to obtain the necessary products that they require to provide the ongoing services out of their facilities and via their programs. This includes things like cleaning and disinfecting products. They are struggling to get items like hand sanitiser from the supermarkets. Just like we have strong precautions in place for our aged-care system and for those that are vulnerable in other demographics of society, the disability sector is an extraordinarily complex sector that also needs special attention as this coronavirus situation unfolds. These are very, very basic needs, but they are so important—they are so critically important—to managing hygiene in that sector and therefore the spread of the virus.

The disability sector is also seeking faster access to testing. As we know, the transition to the NDIS has caused workforce challenges—call it shortages or call it challenges—in some areas where we have thin markets. Some of the clients at our disability service providers have exceptionally high needs, and they have very, very challenging behavioural problems. What we need to be able to do is ensure that if a worker or carer needs to be tested, then that worker or carer is able to have that undertaken very, very quickly—that they can be fast-tracked through the system and then be able to return to their carer job. I know of a number of cases, as I am sure the department and as I am sure the minister would also



know, where for people with very complex and challenging needs the families have had to search far and wide, high and low, to get the carer who is capable of handling appropriately that client's needs. Often carers have got very special attributes to be able to do that, whether it is physical strength or the ability to calm and soothe a person who is suffering extreme anxiety as a result of their disability. We all know—everyone in this chamber would know—that individuals with special needs often form a very, very strong bond with those that are caring for their needs. The simple disruption of having that person—he or she—taken away for a period of time in itself can cause extreme levels of anxiety, so I think it is very, very important. Maybe it is something that the minister, who I note is in the chamber, could take on notice—that we give very strong consideration to having disability workers, particularly those looking after high-needs clients, fast-tracked for testing should this be required as this coronavirus situation unfolds across the state, because we want to try and keep life as normal as possible for those who have these challenges and are potentially suffering with coronavirus as well.

I certainly look forward to maybe the disability sector having access to that service but also to the disability sector providers being given some special treatment in relation to getting the products that they need to be able to operate day to day. As we have mentioned, these are generally disinfecting products and hand sanitisers that, because of the ridiculous mass purchasing that is going on at areas around the state, they are having a lot of trouble getting access to. I also would call on suppliers to make sure that they have met the needs of our disability service providers in the community in that regard.

The disability sector has many people who for various reasons are more vulnerable than others, and it would be good at some stage to, I guess, get a briefing on how the department plans to look after this sector over the ensuing period—which could be three, six, nine, 12 months ahead—as this unfolds, because it is something that as a society we need to put at the very forefront. These are uncharted waters that we are heading into. I know that here at the present time some of these questions may not have answers just yet, but I would hope that in a very short period we can provide some direction and advice to those who need it.

In winding up and concluding my contribution, we do not oppose this bill. We think that the registration of non-NDIS disability workers is a good thing. It is a good thing—it provides an important safeguard for our disability sector. But we do know that there remains widespread concern about double-ups. We seek the release as soon as possible to the sector of the guidelines from the Disability Worker Registration Board so that providers and workers know what they are dealing with, and we would like to see that in the very near future.

**Mr PEARSON** (Essendon) (10:49): I am delighted to make a contribution on the Disability Service Safeguards Amendment Bill 2020. The bill that is before the house is fairly technical in nature, but it is a fairly straightforward piece of legislation about improving the smooth running of this sector.

I thought it would be worth just reflecting on the journey that we have come on as a society and as a community. I had the great privilege and pleasure of working with David White for many years; he was the Minister for Health in the mid-1980s. David spoke at length about the way in which some of those facilities which had residents living in operated at that time. Now, I do appreciate that in some of the cases and in some of the stories that have been referred to the patients were not necessarily disabled, but the quality of care that he talked about that was evident at that point in time was just appalling. The Willsmere facility, whose residents were basically psychogeriatric patients, would have peacocks in the backyard in order to muffle the cries and the screams of the residents, and the residents themselves would just live in abject misery.

I think one of David's concerns at the time was that there was an inadequate level of regulation and oversight of those facilities. No doubt some of those workers were good, hardworking, decent people working within the confines of the regulation at the time, but they might have started out working in the garden or in the kitchen as a kitchen hand, they might have graduated to then become a cook in the facility, and then they became a personal care provider. Now, there is nothing wrong with that trajectory in itself. There is nothing wrong with that pathway and allowing people with a degree of age

and experience to progress their way through. But I do think that when you do not have a proper regulatory regime in place and you have a lack of training and professional development, that does create some challenges and problems for the quality of care that is being provided.

It is a bit like the old Kew Cottages. The Kew Cottages you can see from the Eastern Freeway, and the Kew Cottages are on a hill. The reason the Kew Cottages are located where they are is that there was a view in the 19th century that people who were disabled emitted fumes and that if you had them located in a facility on a hill they would not contaminate the rest of the community. That is why Kew Cottages are on a hill—to try and separate what they thought were contaminated people who had a disability. Now, those facilities were still in operation up until the late 20th century, and that is why we have looked at trying to change the regulatory regime.

Now, the first impulse was to look at deinstitutionalisation. I remember David telling a story that there was a bloke he saw at a facility. He was probably a middle-aged guy, I think, at that stage. This would have been in the mid-1980s. He was standing at a window at a facility and he was looking out. So David as the minister visited this facility and said to this guy, ‘What are you doing?’, and he said, ‘I’m looking out. I want to go home’. It seemed a fairly reasonable request. David asked one of the carers, ‘How long has he been here for?’, and the response was, ‘Forty years’. Now, the reason why we started on that process of deinstitutionalisation was to allow people to live in the community, to develop closer linkages and ties with family and friends and to be more social. People with a disability were not to be locked up and chained and feared; people with a disability were allowed to have the opportunity of living amongst all of us.

Now, when you think about what has happened since the 1990s, bear in mind there was a grand compact from probably the early 1990s until more recent times, when there was a view put that both parties believed that a lean and efficient public service was a good thing, that you have a process of deregulation where you can, that you have a light-handed approach to regulation and that you basically look at allowing society to function with minimal government interference. I think that both major parties broadly adhered to these views. I think that what has happened in the last, well—

**Mr Donnellan:** Adam Smith.

**Mr PEARSON:** Well, Adam Smith, the invisible hand of the market—yes indeed, Minister, the invisible hand of the market will control everything. It is interesting that the focus is always on *The Wealth of Nations* rather than some of his other work which is more enlightened and progressive, as one might say. *The Theory of Moral Sentiments*, I think, was his other great piece of work, and played a critical role in terms of the establishment obviously of the Scottish Enlightenment. A very interesting movement, the Scottish Enlightenment, in my experience.

**Mr Donnellan** interjected.

**Mr PEARSON:** Yes, I did like the Scottish Enlightenment.

**Mr Donnellan:** The renaissance men—and women.

**Ms Staley** interjected.

**Mr PEARSON:** Sadly, no. Though I have imparted some of its teachings and learnings, I would like to think, as my erudite contributions in this house would demonstrate, member for Ripon.

But anyhow—I do digress—I think what we have seen happen in more recent times is that a view has developed which is the fact that there is market failure in many ways, and confidence in institutions has fallen significantly.

And I think what we are starting to see now is a re-emergence of tighter levels of regulation and more levels of control, making sure that there are those checks and balances in place to make sure that some of our most vulnerable members of the community are protected. I think that with the move towards a nationally consistent approach through the NDIS we are starting to see that pattern of uniform

regulation to provide this level of comfort and support for some of the most vulnerable members of our community.

Indeed I know the member for Gippsland East in his contribution talked about the coronavirus. I think that the coronavirus is really the harbinger of the end of globalisation. I think globalisation as we know it has been seen to be fatally flawed by these recent events, and I think that you will start to see nations decouple. You will start to see supply chains decouple. You will start to see a greater view, a greater reliance or awareness, on the power of individual jurisdictions taking a greater level of control over the way in which their societies function and the way in which a community is structured. Because these changes are just so profound, they are going to have a significant impact upon the way in which we live and we work as a society.

I think we are in an age where we will see greater levels of regulation. I think we will see greater levels of control and I think in light of what we have seen in more recent times that is not a bad thing. We do need to look at having greater levels of oversight and regulation to ensure that we are in a position whereby the most vulnerable members of our community have been and are protected, because what has happened previously just has not worked; there have been these failures. And where you have got the capacity to look at trying to increase the professional development, the competencies and the ability for individual workers in the disability care sector to have that really good quality training, it is a very important initiative, because that is where we are moving as a society. And you do want to send a signal to the disability workers out there that there is an opportunity for a career path and career development.

I think too, in these days of rapid change, what we do know is that change will be continuous, and the pace of change will be far more rapid. The issue becomes therefore that we cannot control these circumstances that are outside of our control; what we can control is the ability to be more nimble, more agile and more adept to be able to respond to the challenges that we are confronting. Having disability care workers have a higher level of professional development and looking at constantly managing and enhancing their training and development over the course of time I think is a very good thing.

As I said, this is a very straightforward bill, but I think it signals our interest in and our commitment to having an appropriate level of regulation to protect the most vulnerable members of our community, and I commend the bill to the house.

**Mr CARBINES** (Ivanhoe) (10:59): I am pleased to make a contribution to the Disability Service Safeguards Amendment Bill 2020. Perhaps I could start with some opening remarks that relate to some of our work with carers and volunteers. As parliamentary secretary in that space, it provides a great opportunity to work with so many people in our community who put others first, who seek to care for, advocate for and look out for those with disabilities in our community as carers.

Of course our government in making a \$49 million contribution and investment in respite care in large respects of the respite care—and extra respite for the carers— (*Time expired*)

**Business interrupted under sessional orders.**

#### Announcements

#### BRENDAN DONOHUE

**The SPEAKER** (11:01): Order! Before calling questions, damage to parliamentary property is something this Parliament takes very seriously. One of the areas we do, however, and have for some time, taken the view that we should turn a blind eye to is the etching of journalists' names into the desks above me in the press gallery. Over many decades journalists have left their mark on the Parliament in more ways than one. One of the names that I think is probably etched there somewhere is that of Brendan Donohue, who has reported on the proceedings of this Parliament for some 30 years and has done so in a very tough but fair way. As a Presiding Officer I want to thank Brendan for the constructive and responsible approach that he has taken as a senior member of the press gallery in

relation to the operation of the Parliament and the parliamentary precincts, and I think all members would wish him well in the future.

**Mr ANDREWS** (Mulgrave—Premier) (11:02): *(By leave)* With the indulgence of the house—and I am sure the Leader of the Opposition might like to take the opportunity just to add very briefly to your comments—40 years in and around this place is a very, very long time. To think that Brendan Donohue has covered politics since Premier Hamer—it is an eternity. We have not always agreed on everything, but he has always been in my experience straight and fair. And after a long and distinguished career doing a difficult job, and a critically important job to our democracy, I wish Brendan and his family all the very best for the future.

**Mr M O'BRIEN** (Malvern—Leader of the Opposition) (11:03): *(By leave)* Speaker, I seek to join your and the Premier's comments in wishing Brendan Donohue a very successful next stage of his career and life. If a week is a long time in politics, then 40 years is an eternity. He has outseen so many of us. He has reported without fear or favour. Having been on the receiving end of some Brendan specials, as well as having instigated a few Brendan specials, I think that we all know that he can be very, very tough but fair.

Politics is important. It is important because what we do in this place affects the lives of so many of our citizens. What is very important to what we do is having the proceedings in this chamber and beyond it reported fearlessly and fairly by those members of the press gallery. Brendan Donohue has been a doyen of the press gallery over his time, and we wish him very, very well for the next stage of his life.

#### Questions without notice and ministers statements

#### COVID-19

**Mr M O'BRIEN** (Malvern—Leader of the Opposition) (11:04): My question is to the Premier: Premier, the New South Wales government has announced a \$2.3 billion support package, which includes \$80 million to waive a range of fees and charges for small businesses, including bars, cafes, restaurants and tradies. Janine Smith from the Bay Road Cafe in Sandringham says the future of her business is grim as her customers have dried up. Premier, why won't you follow New South Wales's lead and provide similar support so that this hardworking small business owner and her 12 staff can survive?

**Mr ANDREWS** (Mulgrave—Premier) (11:04): I thank the Leader of the Opposition for his question, and it is true to say that there are many businesses—indeed all businesses, I think, large and small—right across the Victorian economy and community that are feeling the impacts of this unprecedented health crisis. It is appropriate to have a response that is considered. Last night I had a very good conversation—a detailed conversation—with federal Treasurer Josh Frydenberg on exactly these issues. I put it to the Leader of the Opposition that my approach and the approach of the government will be one of partnership, one of consistency, one of trying to work with the commonwealth—

*Members interjecting.*

**The SPEAKER:** Order! The house will come to order.

**Mr ANDREWS:** As I was saying, I take the view that it is best to be in partnership and to be coordinated. We are doing a whole lot of work to develop an appropriate response, and we will make announcements in due course. The most important part is to have a clear understanding of what next steps the commonwealth government are going to take. The last thing any business would want to see happen, or any Victorian would want to see happen, is for us to be essentially replicating and duplicating each other's work.

*Members interjecting.*

**The SPEAKER:** Order! Leader of The Nationals and the member for Macedon!

**Mr ANDREWS:** As I have indicated, the government is working with businesses large and small across different sectors to properly understand the impacts and to consider a measured package of interventions and a measured package of investments that are well considered and that will have maximum impact. As I have said before—and this is lost on some—this is a really difficult time to try to create customers. This is a very difficult time to try to create customers for business. What is needed is a cash injection. We are working to deliver a package that will have great effect, one that will be consistent with the government and one that will be announced in due course.

**Mr M O'BRIEN** (Malvern—Leader of the Opposition) (11:06): Premier, the clock is ticking. You speak about monitoring situations, but Harry's menswear in Berwick, which employs five people, has seen a 40 per cent downturn and is at risk of closing without immediate assistance. For two days now you have refused to announce any action to support small business in this state, despite every other state government around the country doing so. Premier, what will you do to support Harry's menswear and its staff and the thousands of employees whose jobs are at risk while you do nothing?

**The SPEAKER:** Order! Just before calling the Premier, I remind all members to refer their comments through the Chair and not directly to other members of this place in question time.

**Mr ANDREWS** (Mulgrave—Premier) (11:07): As I said in my answer to the principal question, the government is working hard to develop a package of support. We will make announcements in due course. I reject the assertion or assumption that anybody is doing nothing. Everybody is getting on and working very, very hard to support everyone who is affected by this crisis. We will have further announcements to make in due course, and at that time we will be sure to offer those opposite a briefing.

#### MINISTERS STATEMENTS: COVID-19

**Mr ANDREWS** (Mulgrave—Premier) (11:08): Very much on topic in terms of taking action to support those who need it most, a \$437 million injection to the health system has been announced today. That is what is absolutely critical—new money and new funding so that we can open new beds, employ more staff, buy more equipment and make sure that we have got the protective equipment and everything that the system needs at this stage. I hasten to add this will not be the last announcement we make in terms of providing support to our health workforce and, through them, to the tens of thousands of patients who will need additional care. These new spaces are all recommissioned spaces. For instance, the old Peter Mac—we are going to open up wards there. We are going to have treatment spaces and health services for the people of Geelong and that region through opening up parts of the old Baxter House. We are going to commission shell space at the Bendigo Hospital. Right the way across the state—and there will be many more of these announcements—we are providing to our dedicated clinicians the resources and the resolve so that they are ready to provide care and support to those who will need it most. When it comes to equipment, when it comes to additional capacity, this \$437 million on top of the \$100 million that was announced on Sunday is, in every way, everything that our health system needs at this point.

I do again make the point that the need will grow and our investment will be there consistently. I take this opportunity to thank our health workforce, and not just those who are frontline service providers. Health is delivered by teams of people: cooks, cleaners, orderlies and people who work in admin. The whole team across our health system is doing an amazing job to be ready for the worst of this health emergency. Bureaucrats and departmental officials of the Department of Health and Human Services—they are working very hard as well. We are all in this together, and the government is playing its part by providing the resources required to save lives and to provide the very best care.

#### COVID-19

**Mr M O'BRIEN** (Malvern—Leader of the Opposition) (11:10): My question is again to the Premier. The West Australian Labor government announced a \$607 million package, which includes measures to support West Australian small and medium businesses and West Australian workers. WA

businesses with a payroll of between \$1 million and \$4 million will receive a one-off grant of \$17 500 to assist them to manage the impacts of COVID-19. For two days now this Labor government has refused to announce any action to support Victorian small businesses, despite every other state in the country doing so. Premier, when will you follow the lead of your Labor colleague in WA and provide direct cash support to struggling Victorian businesses and their hardworking staff?

**The SPEAKER:** I remind the Leader of the Opposition it is 'When will the Premier'.

**Mr ANDREWS** (Mulgrave—Premier) (11:11): I thank the Leader of the Opposition for his question. The first point I will make is that I do not see this as a Labor or Liberal issue. I see this as an issue of national unity, and I think the way in which this question is framed makes it very clear how this emergency, this crisis, is viewed by the questioner and those opposite. This is not a matter of Labor or Liberal; this is a matter of everyone being in this together, everyone taking a considered approach and making announcements that will make a difference at the appropriate time.

*Members interjecting.*

**The SPEAKER:** Order! Before calling the Leader of the Opposition I warn members on both sides if they shout across the chamber they will be removed without further warning.

**Mr M O'BRIEN** (Malvern—Leader of the Opposition) (11:12): Goodness me! The Premier talks about 'at an appropriate time'. Chris Bonacci of Myrtleford operates Alpine Spirit Coaches. He has had a devastating bushfire season, and on top of that the impact of COVID-19 has forced him to lay off his 18 staff and to ground his entire bus fleet. Without government assistance—urgent government assistance—his business will not survive and these staff will lose their jobs permanently. For how much longer will this Labor government ignore these desperate pleas for assistance?

**Mr ANDREWS** (Mulgrave—Premier) (11:12): I will put it to the Leader of the Opposition that we will continue to work with officials from Treasury, we will continue to work with the national government. Yesterday we were urged to deliver a surplus by some in clear contravention of advice from the secretary of the commonwealth Treasury, clear contravention of advice from the governor of the Reserve Bank, clear contravention of common sense—

*Members interjecting.*

**The SPEAKER:** Order!

**Mr M O'Brien:** On a point of order, Speaker, the Premier is now debating the question. The question was not: what is everyone else doing to assist? We know that. The question is: why isn't this Premier doing anything to assist?

**The SPEAKER:** Order! The point of order is not an opportunity to repeat the question. The Premier is being relevant to the question that has been asked.

**Mr ANDREWS:** I am simply indicating from whom I will be taking advice, and in the spirit of bipartisanship I will be as light as I can be. I will not be taking advice from those who are 100 per cent at odds with the governor of the Reserve Bank, 100 per cent at odds with the secretary of the commonwealth Treasury and, can I just say for completeness sake, 100 per cent at odds with Scott Morrison and Josh Frydenberg. We will make announcements and you will be briefed on them at that time.

#### MINISTERS STATEMENTS: COVID-19

**Mr FOLEY** (Albert Park—Minister for Mental Health, Minister for Equality, Minister for Creative Industries) (11:14): I rise to add to the Premier's comments about what this government is doing to make sure that our health system copes and deals with this unprecedented threat that COVID-19 has unleashed on the globe and particularly this state. Around the globe communities are grappling with how to keep normality and delivery of services in the face of unprecedented issues of stress on

the health system. We are asking people to change how they behave to make sure that we flatten the curve to keep our hospital system operating. This is the biggest health challenge that we will face in our lifetimes. Make no mistake, the next few weeks and months will be tough for everyone, but our efforts are now designed to give our health system the best possible chance to cope with the surge in demand when this pandemic hits its peak.

So in addition to what the Premier has outlined already on the \$437 million hospital package announced this morning, all designed to boost capacity so we can meet that peak in forecast demand, I just want to add a few more updates. There have been now 149 cases of COVID-19 reported in Victoria, an additional 28 confirmed since I was here 24 hours ago. It is essential that we do all we can to limit that pandemic's growth. That is why the \$37 million component in today's announcement goes to containment activities to test, track and contain the virus. A further \$24 million is for epidemiological surveillance right across the state—a proposal supported by my friend the member for Brunswick in conversations we had this morning—and there are arrangements to make sure that \$24 million tracks people with these infections. With the indulgence of the house, a further 15 000 people will be tested across Victoria as a result of that effort.

### COVID-19

**Mr M O'BRIEN** (Malvern—Leader of the Opposition) (11:16): My question is again to the Premier. Premier, even the City of Melbourne has announced a \$10 million package to support businesses, including fee suspensions, small business grants and rent relief to help businesses through this unprecedented time. Why is the federal government, every other state and territory government and even local government doing more to support small business and their workers during this crisis than is the Premier and this Labor government?

**Mr ANDREWS** (Mulgrave—Premier) (11:16): I am not certain if the Leader of the Opposition understands it, but there is a legislative process for the federal package. That will occur next week in Parliament. I have not heard the Leader of the Opposition calling for federal Parliament to sit this week, so these two days—

**Mr M O'Brien:** On a point of order, Speaker, first of all the Premier is debating the question. Secondly, this government has used its numbers to actually make sure Parliament cannot come back for the budget session. So what a hypocrite—what an absolute hypocrite!

**The SPEAKER:** Order! That is not a point of order.

**Mr ANDREWS:** I was referring, of course, to the federal Parliament, which will be sitting next week. The point that I am making is that the Leader of the Opposition is at best inconsistent, or perhaps ill-advised I think, on some of these matters. But again I am not interested in partisan attacks on these matters. I will follow—

*Members interjecting.*

**Mr ANDREWS:** Oh, now it is a funny matter. Now it is matter for laughter. Announcements will be made, and those opposite if they see fit to be briefed—take a break from politicking and be briefed—I will be happy to arrange it.

*Members interjecting.*

**The SPEAKER:** Order! The Deputy Leader of the Liberal Party!

*Members interjecting.*

**The SPEAKER:** Order! The member for Kew is warned.

**Mr M O'BRIEN** (Malvern—Leader of the Opposition) (11:18): My supplementary question to the Premier: last night on *Footy Classified* it was reported that you had had a conversation with AFL bosses about providing a secured loan to the AFL and clubs to help them during the COVID-19 crisis.

Will the Premier assure Victorians that any financial support offered to the AFL will also be offered on similar terms to small businesses who are fighting to save thousands of Victorian jobs?

**Mr ANDREWS** (Mulgrave—Premier) (11:19): As I indicated this morning, I have had discussions—

**A member** interjected.

**Mr ANDREWS**: Football does; okay, right. Those opposite are critical of the fact that we have had—

**A member** interjected.

**Mr ANDREWS**: No, no. You interjected. Those opposite are critical of the fact that I and others have had conversations with airlines, with the Australian Hotels Association, with the AFL—

**Mr M O'Brien**: On a point of order, Speaker, the Premier is debating the question. Without repeating it, I would ask you to draw him back to answering it. It relates to: will small businesses get the same deal as the AFL? That is what we are after.

**The SPEAKER**: Order! The Leader of the Opposition is now repeating the question. I ask members not to interject, particularly across the table, and I ask the Premier not to respond to those interjections. The Premier to come back to answering the question.

**Mr ANDREWS**: As I was saying, I, the Treasurer and ministers across governments are having conversations with many businesses large and small, many stakeholders, many sectors, many different people across the board, all of whom are feeling the effects of this crisis. Some of those effects are common, some of them are unique to certain sectors. We are engaging with those sectors to develop a comprehensive response that actually has an impact and that is consistent with the national plan—

*Members interjecting.*

**The SPEAKER**: Order! On a point of order—

**Mr ANDREWS**: and the Leader of the Opposition can be briefed on it at the appropriate time.

**Mr M O'Brien**: On a point of order, Speaker, I would ask you to draw the Premier back to answering the question, which was simply about parity of terms between offers to the AFL and offers to small businesses. He has not addressed that; he has 6 seconds in which to do so.

**The SPEAKER**: Order! The Premier has been relevant to the question. He has concluded his answer.

**Mr Wells**: On a point of order, Speaker, at the start of the session on Tuesday you referred to a point of order made by the member for Warrandyte and ruled that when you call an opposition member on a point of order the Premier or the minister will sit down, because we have seen in previous weeks where the Premier, for example, has continued to answer the question and then sits down and then concludes. In that case we do not get it. I would ask you to enforce your own ruling that you made at the start of this session on Tuesday.

**The SPEAKER**: I thank the Manager of Opposition Business for raising the point of order. I did make a number of observations in my ruling around members sitting down when there was a point of order taken, and indeed of points of order being made in the appropriate form. There has been some slippage in that today. I ask members to come back to the proper operations of the house.

#### MINISTERS STATEMENTS: COVID-19

**Ms NEVILLE** (Bellarine—Minister for Water, Minister for Police and Emergency Services) (11:21): I rise today to update the house on the emergency management arrangements in place in relation to governance and coordination around COVID-19. As early as 1 February the emergency



management commissioner, as required under the legislation, appointed the health state response controller and then on 11 March established the State Control Centre in its full operation.

That is now the hub of planning, intelligence, public information and coordination across all the agencies that are involved in relation to COVID-19. This ensured that all the structures were well and truly in place prior to the state of emergency being declared. As soon as that was declared and the directives were issued by the chief health officer, Victoria Police also established their police operations centre that is now operating 24 hours, seven days a week, and feeding into the State Control Centre as per the arrangements.

The declaration and directives have then enlivened significant powers for Victoria Police to be able to enforce those directives, to be able to arrest, detain, disrupt and disperse people who may be operating against the directives on mass gatherings and also on those returning from overseas and in 14-day quarantining. At this stage it appears Victorians are doing the right thing, but it is clear that Victoria Police have the powers they need to both proactively and reactively do spot checks.

We are working with the Australian Border Force. We have 9000 people coming in through our international airport still at the moment—so, significant numbers—but unfortunately also police resources are increasingly being called to supermarkets. Just in the last couple of hours there has been a significant amount of unrest at supermarkets. Victoria Police are making arrests, and they will do that. Again we are asking Victorians to do the right thing here. We want our police out giving reassurances, not having to arrest people, but they have got the powers they need to do that.

### COVID-19

**Mr NORTHE** (Morwell) (11:23): My question is to the Premier. Premier, the impacts of COVID-19 are really being felt across many regional communities right now, and one of the concerns we have locally is accessibility of GP services and health services. There is a recognised shortage of GPs in the Morwell electorate, and many local residents are fearful that they will be unable to get a doctor's appointment if they need to be tested for COVID-19. Whilst I understand responsibility for GP shortages primarily sits with the federal government, I have written to the Victorian health minister multiple times following ongoing complaints from local residents and GP clinics. At a recent Senate estimates health hearing it was duly noted that the Traralgon, Morwell and Churchill clinics did not have enough GPs even before COVID-19 hit. Premier, can you advise what actions have been taken in consort with the federal government to address GP shortages in my community, and will local residents be able to get immediate access to medical services should they develop symptoms of COVID-19?

**Mr ANDREWS** (Mulgrave—Premier) (11:24): I thank the member for Morwell for his question. I can say to the member for Morwell that Minister Mikakos on behalf of the Victorian government and all Victorians is working very closely with Minister Hunt at a national level. As the member for Morwell rightly points out, GPs are predominantly a responsibility of the federal government. However, simply saying to people who are anxious or saying to people that might need care, 'Well, that's not our responsibility', that is hardly the right answer. What we are doing is working very closely together. Primary health networks as well as—

**A member** interjected.

**Mr ANDREWS**: Well, others may not be interested in this answer. The member for Morwell is. This is a serious issue, and it may well relate to GP shortages in lots of other areas. Some, it would seem, are not interested in this. The member for Morwell has asked a serious question. We are working government to government very closely. Health services are working very closely as well to make sure that we have adequate supplies of everything that will be needed.

Now, the system is going to change. Things are going to be very different, I think, in the next six months than they have been. These fever clinics or COVID-19 clinics that are being established by

the commonwealth government in partnership with our government and health services are exactly to the point that the member for Morwell raises. I think it is fair to say that prior to this health emergency there were really significant challenges in making sure that there were enough GPs in every community to provide every person, particularly vulnerable people, with the primary care that they are fundamentally entitled to. That is for another day, that debate.

As we come together with a sense of unity to meet people's needs, not to have demarcation disputes about who is responsible for what, I am confident, and I think the member for Morwell on behalf of his community can be confident, that staff are working together closely, governments are working together closely, departments and health services are working together closely as well. With some of the specific interventions through that historic national partnership between our government and the federal government—those fever clinics being one example—I think we are in a better position to be able to respond.

On the exact arrangements in the member for Morwell's community and on the notion of potentially advocating for anybody in the Morwell community who might need more, I would propose the following: I am happy for my office to have a conversation with the member for Morwell, as I think we have already done on the question you raised earlier in the week about small business. If there are specifics he would like me to convey to the national government on behalf of his community, I am more than happy to do that. If there is any further information I can provide about specific partnership resources that are standing up, activities, additional things that are happening in the Latrobe Valley, I am more than happy to provide that information as soon as I can get it.

**Mr NORTHE** (Morwell) (11:27): Premier, as you are aware, many supermarket shelves are empty of essential items due to the selfish bulk-buying of some people. This behaviour has placed many vulnerable members of my community, including the elderly, persons with a disability, those with health and mental health challenges, amongst others, in an awful predicament whereby they are unable to access or purchase essential items. People who are required to work and are unable to get to their supermarket early are also confronted with empty shelves when they eventually arrive at their supermarket. Many people in those categories have contacted my office in tears about the situation, and quite rightly are asking for stronger interventions by government and by the supermarkets because what is in place right now is not working. So, Premier, can you advise what interventions the government might put in place to ensure members of my community and other communities are able to access an adequate supply of essential goods and items?

**Mr ANDREWS** (Mulgrave—Premier) (11:28): I again thank the member for Morwell, and a minute may not be enough to get through all the different things that are being done, and if I need to add to this answer I am more than happy to do that in writing later on today. This is an issue. People need to stop hoarding. People need to stop buying four weeks, four months worth of groceries, and going from top to bottom on their normal shopping list. A few more of the basics is what is important. If those who are hoarding keep doing it, then the people that the member for Morwell is rightly concerned about and is standing up for today will not have the basics.

To that end—and we will have more to say about this very, very soon—care packages are being prepared. They are being delivered in fact right now to those that we thought would be without groceries because of their quarantine. Now we face a slightly different challenge: people who cannot get groceries because of selfish hoarding and totally inconsiderate and irresponsible behaviour that some people are exhibiting. We are taking action on that. There are issues for consumer law as well, and of course there is a partnership between Woolworths, Coles, Aldi and IGA, who are doing a great job at this very difficult time.

#### MINISTERS STATEMENTS: COVID-19

**Mr WYNNE** (Richmond—Minister for Housing, Minister for Multicultural Affairs, Minister for Planning) (11:29): I rise to update the house on the actions the government is taking to protect Victorians at risk of experiencing homelessness from the COVID-19 virus and to minimise the spread

of the virus within public and community housing. It is crucial that we provide the right advice and assistance to those in need, particularly the most vulnerable in our community. I was pleased yesterday to announce that my department released almost \$6 million to reduce the incidence of rough sleeping and homelessness. This money will provide homeless agencies with extra funds to find immediate temporary housing for those in most need, and it will also go towards private rental brokerage for those at risk of falling into homelessness, helping to keep them in safe and affordable accommodation and reduce the transmission of COVID-19. We have also identified sites where alternative emergency housing can be provided for people to self-isolate or indeed quarantine, and we will work to continue to make sure that we have enough beds for those who need a safe place to recover.

We are putting extra staff on the ground also in our 13 older persons estates. These are estates that are predominantly high-rise bedsits for people, particularly for older people who are particularly susceptible to the COVID-19 virus. Our security, essential maintenance and cleaning service providers are increasing preventative measures on all estates, such as performing additional cleaning of communal areas, using antibacterial sanitisers and advising staff on how to work with our tenants to ensure that we continue our service delivery. The department's Keeping in Touch policy has been enacted, where older tenants will be regularly contacted by the housing call centre to check on their wellbeing. We will always continue to support our most vulnerable tenants.

#### ONSHORE CONVENTIONAL GAS

**Mr R SMITH** (Warrandyte) (11:31): My question is to the Premier. Industry has been calling for a lifting of the moratorium on onshore natural gas to reduce prices and protect Victorian jobs. Given that Victoria is facing a job crisis, why has the Premier delayed lifting the moratorium on onshore conventional gas by another 12 months?

**Mr ANDREWS** (Mulgrave—Premier) (11:32): I thank the member for Warrandyte for his question. The advice of the experts is—and I think common sense would tell you as well—that the prospects of a project between now and the middle of next year actually producing gas are very, very limited. So that is the first point.

*Members interjecting.*

**Mr ANDREWS:** Well, again I am asked to make that terribly difficult choice between the views of those opposite and experts, and on this matter and all matters it is not such a difficult choice at all. The experts have been very clear that there are some deficiencies in our regulations, there are some deficiencies in our processes and we need to—

*Members interjecting.*

**Mr ANDREWS:** Well, no, what we have had is a science-led process, not a Peter Reith-led process. They are two very different things. That again is something that is lost on them as well—that apparently his lordship Peter Reith, the all-knowing, is a scientist. No, he is not. Peter Reith or Amanda Caples? Easy choice. Fracking, no; conventional gas, yes. Easy choice. Confusion and inconsistency versus evidence and policy that grows jobs and supports a balance in our energy sector—again, easy choice. I will not go on to go any further about choices that are obvious and easy. That would not be right. But I would just say to the member for Warrandyte: do not wait for anyone on this side of the house and the considerable numbers that sit on that side of the house to ever take advice from you.

**Mr R SMITH** (Warrandyte) (11:34): Very excited! On a supplementary question, lifting the moratorium immediately is a very simple measure that your government could implement that would protect Victorian jobs and cost nothing. Why is the Premier so pig-headed that he would not admit that he has got this wrong and lift the moratorium on exploration and development immediately?

**The SPEAKER:** Order! I am going to ask the member to rephrase that question without the use of an unparliamentary reference to another member.

*Members interjecting.*

**The SPEAKER:** Order! The member can rephrase the question.

**Mr T Smith:** On a point of order, Speaker, the Premier spent the last 10 seconds of his answer abusing the member for Warrandyte, and I think you are showing a certain level of double standard with regard to asking the member for Warrandyte to rephrase his question. You have not had a good morning, Speaker. I would ask you to reflect on your ruling.

**The SPEAKER:** Order! I thank the member for Kew for his counsel, and he can leave the chamber for 1 hour for reflecting on the Chair.

**Member for Kew withdrew from chamber.**

**The SPEAKER:** Member for Warrandyte, is there a point of order?

**Mr R SMITH:** No, I am just not sure what word you are meaning.

**The SPEAKER:** The member for Warrandyte has got a choice. He can re-ask the question or there will not be a question.

*Members interjecting.*

**Mr R SMITH:** Which one is it?

**The SPEAKER:** Order! The Leader of the House will come to order.

**Mr R SMITH:** Because they are all factual words.

**The SPEAKER:** Does the member for Warrandyte have a question?

**Mr R SMITH:** Yes, I do.

**The SPEAKER:** Order! The member for Warrandyte to ask his question.

**Mr R SMITH:** Lifting the moratorium immediately is a very simple measure that your government could implement that would protect Victorian jobs and would cost nothing. Why is the Premier so stubborn that he would not admit that he got this wrong and lift the moratorium on exploration and development immediately?

**Mr ANDREWS (Mulgrave—Premier) (11:36):** Speaker, whilst I am grateful for the abundant protection you have afforded me, let me assure you I have been called worse by better. I do not think the member for—

**A member** interjected.

**Mr ANDREWS:** Well, you just keep running those marginal seats—

*Members interjecting.*

**The SPEAKER:** Order! Through the Chair!

**Mr ANDREWS:** Long may that continue.

**The SPEAKER:** Order! There is a serious question that has been asked, and I do ask the Premier to come to answering the question.

**Mr ANDREWS:** As I was saying, long may that continue. And I did not think the Greens had a question today. It seems they do. The member for Warrandyte must not have been listening to my principal answer. I have covered this matter. The time that is necessary, on the advice of the experts, to get this right—and of course the simple fact that it is highly unlikely, indeed probably not possible, for there to be extraction in the next 12 months—means that no time is being lost whatsoever.

## CONSTITUENCY QUESTIONS

Thursday, 19 March 2020

Legislative Assembly

1115

**Mr R Smith:** On a point of order, Speaker, the moratorium is on exploration as well as development, as the Premier well knows. So the Premier can answer the question with regard to lifting the moratorium on exploration, which could begin immediately.

**The SPEAKER:** Order! A point of order is not an opportunity to debate the answer.

**Mr ANDREWS:** You cannot rewrite the supplementary again. The—

*Members interjecting.*

**The SPEAKER:** Order! The house will come to order.

**Mr ANDREWS:** Experts or the member for Warrandyte? A very easy choice.

**Mr Walsh:** On a point of order, Speaker, I would ask you to reflect on your rulings during that question and the points of order that were taken. You threw out the member for Kew for making a comment. The Deputy Premier has been constantly interjecting and making comments while you have been making rulings. I would ask you to reflect on actually being fair to both sides of the house in the rulings that you make.

**The SPEAKER:** Order! I appreciate the way in which the Leader of The Nationals has raised that point of order. The member for Kew was removed for reflecting directly on the Chair, not for a comment that he made across the table. And I do ask all members on both sides, particularly those at the table, to refrain from interjecting while members are on their feet.

### MINISTERS STATEMENTS: ANZAC DAY

**Mr SCOTT** (Preston—Assistant Treasurer, Minister for Veterans) (11:38): This is actually in relation to veterans. The coronavirus has created an unprecedented situation for our community. In consultation with the states and territories, the federal government—and I would like to thank the federal Minister for Veterans' Affairs—has made a difficult decision to cancel all Australian-led overseas Anzac Day services this year. This includes services in France, Turkey, Thailand, Malaysia and Papua New Guinea. In accordance with health advice, Victoria's Anzac Day commemorative council has also made the very difficult decision that midday services and marches will be cancelled statewide. Modified dawn services, including at the Melbourne Shrine of Remembrance, will proceed but they will not be open to the public. Anzac Day is a time to reflect on the service and sacrifice of all Australians who served in war and peacekeeping operations. It is the day central to our national identity.

On Saturday, 25 April, I encourage all Australians to join a televised Melbourne dawn service from home. I also invite all Victorians to join together for a minute's silence at 6.00 am on Anzac Day. We can connect with one another during this time using the hashtag #StandTo. This term, which refers to turning out and standing ready, is particularly significant at dawn and dusk and will be familiar to veterans. This is a fitting way to continue to remember and recognise all of those who have served or continue to serve in our defence forces.

The Victorian government, and I am sure all people of goodwill in this place and outside of it, recognises that this is an extremely difficult time, both for veterans and other vulnerable members of our community, and thanks the community for its vigilance and support. And I would also like to place on record my—and I am sure, again, that of all members of this house—gratitude to the RSL and other service organisations for the work that they are doing during these difficult times.

### Constituency questions

#### EILDON ELECTORATE

**Ms McLEISH** (Eildon) (11:40): (2305) My question is to the Minister for Water. Will the minister commit to securing the future of the recreational and tourism industry at Lake Eildon by ensuring adequate resources are made available so that the industry can thrive and build more jobs? The minister commissioned the strategic advisory panel review of Goulburn-Murray Water, which was handed

down over two years ago now. Amongst other things it called for a separate business unit in Goulburn-Murray Water for non-core or recreational and tourism business. As nothing has happened since and there has been no consultation, the tourism industry at Lake Eildon is extremely frustrated. A restructure at Goulburn-Murray Water now leaves no-one with the skills to work with the Lake Eildon tourism industry to capitalise on the tremendous opportunities for economic development and job creation that exist. This is a \$500 million industry which currently supports 2500 jobs. It is an incredibly important industry to the region with enormous potential. They need the support from the minister.

#### EUROA ELECTORATE

**Ms RYAN** (Euroa) (11:41): (2306) My question is to the Minister for Public Transport, and it is quite simply this: how bad do services on the north-east line and the Seymour line have to get before the Andrews government will take measures to improve the performance for the travelling public? George Dyer from Euroa is 85 years old and legally blind. He caught the Albury train from Southern Cross on 3 March. It was scheduled to depart at 6.02 pm, but after being delayed it was stopped on the line at Broadmeadows. The train arrived at Seymour at 10.00 pm, where passengers were told they would need to transfer to coaches. By the time George got to Euroa it was 11.00 pm. He was unable to get a taxi because of that time, and he had to walk 40 minutes home—at age 85, being legally blind. These are common stories, and it is quite simply not good enough that the Andrews government continues to ignore the state of the line.

#### THOMASTOWN ELECTORATE

**Ms HALFPENNY** (Thomastown) (11:42): (2307) My constituency question is for the Minister for Education regarding the new Edgars Creek Primary School that is currently getting built. Residents have expressed great interest in the school. They are seeking information about how the principal will be appointed, who will be eligible to enrol in the school, how the enrolment process works and what sports facilities will be available for students and young people living in the Thomastown electorate. My question is: what are the latest details concerning this new school?

#### FERNTREE GULLY ELECTORATE

**Mr WAKELING** (Ferntree Gully) (11:43): (2308) My constituency question is to the Minister for Education. Early in February I contacted the minister by email seeking advice on how Templeton Primary School in Wantirna could progress their school's three-stage master plan. The school is predominately made up of outdated portables; only nine are permanent classrooms out of 29. The school are under-entitled for their gym and their meeting space, which was initially built to house 250 students and now houses 735 students. I have also been contacted by the school, and the school has made representations to the regional executive director in the outer east seeking funding this year for the refurbishment of the school's toilet blocks for the students, which I am advised will cost in the vicinity of \$150 000. My question is: when will Templeton Primary School receive funding from the government for the refurbishment of their toilet blocks?

#### PASCOE VALE ELECTORATE

**Ms BLANDTHORN** (Pascoe Vale) (11:44): (2309) My constituency question is for the Treasurer. The question I ask is: how much has been paid in first home owner grants across my local area and what benefits does this provide for our local community? Since 1 July 2017 over 26 000 Victorians have received \$350 million in first home owner grants thanks to the Andrews Labor government. I am keen to find out how much of this investment has been made in the local area that I represent and the benefits that this program has for our local community. The 2016 census data shows that 34 is the median age of people in the City of Moreland. Indeed our population is young, and it includes many people who moved to our local area to have their families, make their homes and buy their first home in our local community. I am very keen to know how much of this investment is being made across the local area that I represent.

### MELBOURNE ELECTORATE

**Ms SANDELL** (Melbourne) (11:45): (2310) I have a question for the Minister for Creative Industries. Right now the pandemic has thrown us into really uncertain times. I have had so many people contact my office asking how we can support each other. I know a lot of people are doing the right thing: cancelling events, staying away from groups and washing their hands a lot. That is so important to keep the community safe, but of course a lot of people have also been affected by the flow-on effects of the virus. Cancelled gigs mean performers, crew, freelancers, sole traders and artists all lose work, and I am in daily contact with people who are looking at six months or more of little to no income. It has been really heartwarming to see so many residents contact me and offer to help. I have put up a page on my website, [ellensandell.com/pandemic](http://ellensandell.com/pandemic), where people can get information about how they can help others, but given that our arts community in my electorate will be especially hard hit, I would like to ask the arts minister if he will announce a stimulus package for the arts so that our festivals, our venues, our creators and gig and casual workers can survive the next few months and to put them in a good position to recover when this is over.

### HAWTHORN ELECTORATE

**Mr KENNEDY** (Hawthorn) (11:46): (2311) My constituency question is for the Minister for Education and concerns the upgrading of facilities at one of the many excellent preschools in my electorate of Hawthorn. West Hawthorn Pre-school is a wonderful facility, and on 10 March I was thrilled to be there to announce that the government would be contributing \$500 000 towards an extra classroom to increase capacity for three-year-old kindergarten, a meeting room for parents, refurbished toilets and a storeroom. This project was developed to meet the future demands from families in the West Hawthorn precinct and to meet the increased hours and funding of three-year-old kindergarten. My question is: when will the minister or the Parliamentary Secretary for Early Childhood Education visit West Hawthorn Pre-school to see the new facilities when works are complete?

### EVELYN ELECTORATE

**Ms VALLENCE** (Evelyn) (11:46): (2312) My constituency question is also to the Minister for Education, on behalf of the Seville Primary School community. Seville Primary School sadly has no suitable outdoor undercover area to allow children to be outside on very hot days or rainy days or for a whole-of-school assembly, and the current court surface has safety concerns. The bright students, their families and the teaching staff would like to know when the government will allocate sufficient funding—around \$150 000 is needed—to install overhead court covers and resurface the existing court. In 2019 Seville Primary School's council submitted an application for court covers to the education department only for it to be denied a few months ago despite the department confirming they successfully met all the criteria. It is imperative for the health and wellbeing of these students to be able to play outdoors. Minister, why was the school's application denied, and will you allocate funds in the upcoming state budget?

### ESSENDON ELECTORATE

**Mr PEARSON** (Essendon) (11:47): (2313) I direct my constituency question to the Minister for Education, and I am seeking information on the status of the rebuild at Strathmore Secondary College. Strathmore Secondary College is a fantastic school. It is ably led by Jill English, the principal. The first stage of the development is nearing completion—that was \$13 million—and I would really welcome and know my community would really welcome the opportunity for an update and some information about the status of this exciting project because it is going to transform this fantastic school community.

### BURWOOD ELECTORATE

**Mr FOWLES** (Burwood) (11:48): (2314) My question is to the Minister for Disability, Ageing and Carers. The St George's Hospital site has a long and storied history. Though it sits just outside of my electorate, it has served multiple purposes over many years including being host of the birth of two of my three brothers. Minister, my question is: as we enter an environment where aged-care services are

becoming more and more important, and in particular public aged-care beds are becoming more and more important, what development plans are there for this site, and what does the government see as being the best way to deliver the maximum number of public aged-care beds in the aged-care system?

**Mr D O'Brien:** On a point of order, Speaker, I am seeking clarification. We had a situation then where the usual practice of the house is to alternate between government and non-government members and given that a call was missed earlier there was an opportunity for an opposition member to add another question. I seek your advice on why that was not afforded to me.

**The SPEAKER:** I thought that was the reason you were rising to your feet on this occasion. The usual sequence of events is that members seek the call during constituency questions from either side of the house. Although sessional order 8(1), which I am bound to apply, clearly states:

- (1) At the conclusion of oral questions without notice and ministers' statements, five government members and five non-government members may ask one oral question each to ministers relating to constituency matters.

So I had to take the last question from a government member. I do note it is a bit different to some other practices of the house.

### Bills

#### DISABILITY SERVICE SAFEGUARDS AMENDMENT BILL 2020

##### *Second reading*

##### **Debate resumed.**

**Mr CARBINES** (Ivanhoe) (11:50): I am pleased to continue my contribution on the Disability Service Safeguards Amendment Bill 2020. In particular I wanted to draw people's attention to some of the work that we are doing with carers, who play such a critical role in supporting those people with disabilities in our community. So many of them, whether they are family members or friends, play a critical role in advocacy and the ongoing and daily care of people with disabilities. Part of the work that our government has committed to relates to the \$49.5 million over four years to fund some 100 000 extra hours of respite care each year. That is so significant and so important in looking after the welfare and the wellbeing of our carers, because carers who are fit and well can provide so much more support to the people who are their number one priority, the people who they care for, many of whom—not all, but many of whom—have a disability or an illness that affects them. The commitment of those extra funds over four years to provide so much more extra respite care really is critical, and it has been welcomed by carers and carer groups right across our state.

Can I mention also some of the other commitments we have made, including the Victorian carer card. Holders of course are eligible for concession fares, free weekend travel vouchers and free travel during Carers Week. There are particular discounts, deals and special offers at over 1500 businesses and places. They are listed on the Victorian carer card website, and I encourage people in our community to avail themselves if they are eligible for a carers card. It is so significant for people to be able to access those supports.

Can I say also that supporting carers locally is really important—in the work that they then do—to make sure that they are energised and well, to make sure that they have got an opportunity to share their experiences with other carers and also to work through a range of different issues and challenges that they face in the work that relates to their care for people with disabilities. In particular the Victorian government has committed over \$1 million to carer groups and organisations this year alone as part of a four-year, \$4 million program to support carers locally. For those grants there have been some 176 applications received, and some 94 organisations have been funded through that \$1 million in the first year of that program.

There are really significant projects around the state in rural and regional communities and out there in the suburbs. They might be coffee catch-ups, they might be carers walks that many of us have been



engaged and involved in—opportunities for carers to get together. Macedon is one community that springs to mind where they organised a bit of a coffee catch-up for carers, a chance to share their experiences, to draw a bit of strength and confidence from others, to share the load and to take the opportunity to check in with people. The only problem was that they had so many carers that wanted to come that they could not find a coffee shop big enough in Macedon to cater for everyone—not a bad problem to have. They worked through that; they are pretty creative up there in Macedon. But it goes to the point that there is a high demand to provide opportunities for carers to get together to work through a range of issues and challenges that they face in providing the very best care that they can to people that they take care of, support and advocate for in the community. We will continue with that four-year program—\$1 million a year, nearly 100 organisations in this first year alone being supported for a range of activities that they want to provide to support carers.

Can I say also that I have had the opportunity to chair our carers advisory group, another organisation that does great work. The commitment of carers—when you understand the logistics that go into 20 to 30 carers that are part of our carers advisory group, that is about the implementation of our carers plan and it is about the work that we need to do to make sure that the significant funding of nearly \$50 million in respite care and other services hits the ground and is effective in local communities, but also to look at the priorities of that carers strategy. What else do we need to do? How do we make sure that we have a strategy in place with funding underpinning it? What is the other work that we need to be doing to make sure those priorities are working on the ground?

We went around the table in our first carers advisory group. That was the first opportunity we had really; the best way to understand their priorities and to work through them. Over the course of 2 hours we had an opportunity for each of those carers and their very different stories and experiences with the system and with the challenges they face in rural and remote communities and inner suburbs and towns. By the time we got around the table in the 2 hours and everyone had had an opportunity to put their story, their views, their understanding about priorities, well, that really was the 2 hours done. That was the significant work that needed to be done just by getting around the table with people having a chance to introduce themselves. There were harrowing stories, really challenging, hard, distressing stories, but also some uplifting and fantastic tales and stories and lived experiences that people were prepared to share with us to make sure that our government in implementing the carers strategy is ensuring that the significant funding that we provide gets to the places it needs to so we can launch into what are the next priorities for that community. It was so important that people were able to come together to do that work. It was exhausting for everybody but so important.

I think also of the logistics that go into allowing carers to square away the time to make these further contributions to government policy, because they are doing that on behalf of not just the people they care for but so many other carers in the community. They are their voice. We are very thankful to have them with us. We know that people appreciate the opportunity to be there to tell their story to help inform the priorities for the government. I look forward to our further work together in that carers advisory group. To each and every person who sweated it out, who told their story, who explained their lived experience, their dedication and how important it was for them to be able to be part of this group, it really was very much appreciated by all of us who were there.

I know that it is really a further development of the government's and the Parliament's work to continue to mature and build the advocacy and the work that we are doing for carers and people with disabilities and others that need support in our community. That is just some of the background that is underpinning so much significant work that we are doing in the community. We cannot do it alone. So in particular, when we come back to some of the work in the bill before us and the amendments that are here, a lot of that work is underpinned and informed by so much of what is happening in the community, particularly in relation to carers and the people that they advocate for and support.

Of course, just coming back to those key purposes of the bill, they are to ensure that the registration scheme created by the Disability Service Safeguards Act 2018 is accessible, simple and reflects the disability sector workforce, but also to make consequential amendments for consistency with the

Disability (National Disability Insurance Scheme Transition) Amendment Act 2019, so that employees and contractors have their intended rights and responsibilities under the act.

One of the key things I wanted to point out too is of course our government does have a zero-tolerance approach to abuse and neglect of people with disability, and that has been clearly outlined too in the appointment of the first disability worker commissioner, appointed back in October last year, Dan Stubbs. It is so important, that appointment.

To the people right through our community who work in disability services, so many people make a contribution—and there are very many in my electorate of Ivanhoe who provide those services, whether that is in community residential units and other accommodation or in the very significant and many health services at Austin Health, at the Warringal hospital, at Mercy Heidelberg and at Heidelberg repat. There are so many services. It really is the largest medical precinct outside of Parkville in the state—a very significant contributor and employer and supporter of people in our state right there in the heart of my electorate. So the appointment of that disability worker commissioner is significant and goes again to the values of our government to support those with disabilities, to advocate for them, but also to give voice to the carers and so many people who devote their lives to others. We need to help them and their wellbeing in our community.

**Ms EDWARDS** (Bendigo West) (12:00): I am very pleased to make a contribution to the Disability Service Safeguards Amendment Bill 2020. I acknowledge the presence of the Minister for Disability, Ageing and Carers in the house today and thank him for the work that he continues to do in ensuring the protection and safety of many people in our community who have disabilities. I also want to, from the outset, acknowledge and thank the many workers in our disability sector. These workers give every day to supporting the most vulnerable in our community. Many of them of course are casual workers who are facing a difficult time at the moment, particularly in the face of COVID-19, and should they become ill there are some serious consequences in relation to the care of those that they are looking after.

This bill is coming directly off the back of previous acts that have come into effect in this house as a consequence of the inquiry that was done in the 58th Parliament—and that was the inquiry into abuse of people in disability services—by the former Family and Community Development Committee, of which I was very pleased to be chair. We did a lot of work within that committee—not just in this inquiry but also into the autism sector and into perinatal services—but this inquiry was the first that the committee did. It was a particularly challenging inquiry in the face of what we knew was considerable abuse of people in disability services right across not just Victoria but indeed the whole country. I am really pleased that the federal government have since then announced their royal commission into abuse of people in disability services.

The inquiry commenced with significant consultation, particularly of people with disabilities, and when you are part of a process where you hear constantly about abuse, particularly severe abuse of people who have significant disabilities, who are non-verbal, it really is heartbreaking. It is one of those things I think that probably stays with you forever, because those stories were harrowing, were really difficult for many of us, and indeed for those who told those stories to reflect and have to repeat some of the abuse that they incurred.

I am really pleased that this comes off the back of that report, as have many of the initiatives that this government has implemented since coming to office and indeed since that report. I particularly wanted to mention the zero-tolerance policy, as mentioned by the member for Ivanhoe, because this was a significant recommendation of that committee and that inquiry.

We made about 49 recommendations in that report, and I am really pleased that many of them have already been implemented or are hopefully going to be implemented in the not too distant future, but one of the important ones was in relation to the disability workforce. Despite the fact that the committee made every attempt to not use the workers in that sector as scapegoats for the abuse that

occurred—and still does in some cases—across the sector, we did realise that the sector had failed to protect people with disability from abuse.

We received in that report and throughout that inquiry lots and lots of evidence of the bitter disappointment of carers and parents of people with disability who had placed their loved ones in the care of service providers only to find that in doing so they had exposed their family members to sexual and physical assaults, neglect endangering life, financial abuse and incompetence. As both the public revelations of abuse and the evidence to that inquiry demonstrated, it continues to be too easy for predators to gain access to employment in the disability sector, hence this legislation. It is so important to ensure that the people who work in this sector are of the highest quality. That is why the registration is so, so very important.

As part of our response to that inquiry the government passed the Disability Service Safeguards Act in 2018. It established a regulation scheme for the disability workforce. That will come into effect in July of this year. There was \$9.5 million provided in the budget for 2018–19 to implement that scheme. That scheme is about ensuring people with disability receive high-quality services and that the workers have the necessary skills, experience and qualifications to deliver those services safely. One of the things that we found throughout that inquiry was the ability for particular workers within that sector who might have been accused of abuse or even found to have been abusive to transition to other parts of the sector where that abuse could then continue.

This scheme applies to all disability workers across the state, and that is regardless of whether the disability services are part of the national disability insurance scheme or funded through other sources. Registered workers need to be able to use a protected title and will appear on a public register, making it easier to identify competent and safety-screened workers. As the member for Ivanhoe also mentioned, the Disability Worker Registration Board of Victoria has been established. It has many powers, including setting registration and accreditation standards, registering disability workers and students, and managing notifications and complaints against workers and students. Of course Dan Stubbs was appointed as the Victorian disability worker commissioner in September last year and commenced his commissioner role in October of last year. This scheme is about providing stronger protection from unsafe disability workers who remain unregistered. All unregistered workers will be required to abide by a code of conduct.

When the Disability Service Safeguards Act was passed, clearly we had until the middle of this year before that came into effect, and making these minor amendments to this particular piece of legislation is really important before that commences in the middle of this year. The amendments are not taking anything away from that registration scheme; they are actually making it stronger and more effective. I think that is a really important point to make.

I just wanted to thank the member for Gippsland East for his contribution on this important piece of legislation. He has always been very passionate about the disability sector, and I thank him as it would appear he is the only member of those opposite who is speaking on this important legislation today.

The transitional arrangements to ensure that disability workers can register have to be based on their experience, and that is from the scheme's commencement. Currently workers must prove that they have two years experience gained over a three-year period. There are a number of other requirements, such as expanding the time frame in which relevant experience can be gained to a 10-year period. The amendments also ensure that disability workers seeking registration under the two-year experience pathway will be eligible to register at the commencement of the scheme's operation.

This is a really important piece of legislation that builds on what we are already doing in this space. Can I also thank the former Minister for Housing, Disability and Ageing, the member for Albert Park, because he was very passionate about ensuring that the recommendations from the inquiry into abuse of people in disability services were acted upon and enshrined in legislation. Without that commitment and the ongoing commitment of the current minister we would still be in a position where there would

be people with disabilities who would be enduring significant abuse. It is unacceptable. It is a breach of human rights. We want to make sure as a government that we get this right, hence this particular piece of legislation. No-one wants to see people with disabilities harmed in any way; they have enough to endure as it is. With this particular circumstance that we are facing now with COVID-19, there are many questions being asked in relation to the protection of people with disabilities and indeed the workers who work in that space. I know we are monitoring that very, very closely.

We do not want to see people with disabilities disadvantaged in any way, whether that be through sexual abuse, whether it be through verbal abuse, financial abuse, emotional abuse. There are many forms of abuse that people with disabilities have had to endure. I commend the bill to the house.

**Ms ADDISON** (Wendouree) (12:10): I welcome the opportunity to speak in support of the Disability Service Safeguards Amendment Bill 2020 and thank the member for Bendigo West and also the member for Ivanhoe for their contributions today. Disability is a policy area that I have a great interest in and passion for, in part thanks to my mum, who worked as a physiotherapist looking after people with disabilities and also advocating for people in the disability services sector for over 50 years. I am so proud to be a member of the Andrews Labor government—a government that has a strong track record when it comes to advocating for, supporting and delivering for Victorians with a disability, their carers and their families.

As a part of the Andrews Labor government's response to the 2016 parliamentary inquiry, the Disability Service Safeguards Act was passed in August 2018. This legislation established a regulation scheme for the disability workforce that will commence on 1 July 2020. In the 2019–20 state budget \$9.5 million was provided to implement the scheme, which will ensure that people with disabilities receive high-quality services and workers have the necessary skills, experience and qualifications to deliver those services safely. Importantly, it will apply to all disability workers in Victoria, regardless of whether the disability services are a part of the national disability insurance scheme (NDIS) or funded through another source.

I also support the Victorian government's zero-tolerance approach to abuse and neglect of people with disabilities. The 2016 report of the parliamentary inquiry into abuse in disability services made several recommendations to strengthen safeguards in the sector, and the government responded by legislating in 2018 to establish a regulation scheme for the disability workforce. The Andrews Labor government expanded the referral, the inspection and the investigative powers of the disability services commissioner, including a power to review all deaths in disability services. Our disability abuse prevention strategy, which was launched in April 2018, has built the capacity of individuals, of workers and of providers to prevent abuse—important protections for vulnerable Victorians.

Another example of the Andrews Labor government's commitment to Victorians is our five-year plan to provide autistic Victorians with greater opportunities for choice and community participation. The Victorian autism plan sets out actions to improve the lives of autistic Victorians, their families and carers, backed by \$7.1 million in funding.

I wish to thank and recognise the Minister for Disability, Ageing and Carers, who is in the house at the moment, for his ongoing advocacy for Victorians with a disability. The minister has been a champion for the more than 91 000 Victorians who are now on the NDIS.

**A member** interjected.

**Ms ADDISON:** Well, I would also like to thank the Minister for Mental Health, but I think the Minister for Disability, Ageing and Carers is really well deserving of this praise and credit because he continues to advocate for the many thousands across our state who are still waiting to be a part of the NDIS. I applaud his campaign calling on the commonwealth to release \$600 million in funds committed to Victorians with a disability. This will make a big difference to the lives and families of Victorians with a disability, and I am so pleased that you are standing up for our state and for Victorians in the commonwealth arena.

I would also really like to acknowledge the work of his ministerial office, particularly Flora, Jono—who joins us today in the house—and Drew, and the departmental staff for the work they do supporting Victorians with a disability. I am pleased that this bill will benefit the disability sector workers, employers, contractors, clients and families, and once again I thank the minister and his staff for all the work they have done on this bill.

The amendment includes four technical and clarifying amendments to the Disability Service Safeguards Act 2018. Three of the amendments relate to disability worker registration, which is so important. The first one looks at encompassing registration standards, the second one looks at provisionally registered disability support workers and the third one is the transition provisions for registration in the first two years of the scheme. The fourth amendment then considers the rights and responsibilities of the Victorian Disability Worker Commission staff. By way of background as to why this amendment bill is required, it is important to understand that the original bill—the Disability Service Safeguards Amendment Bill 2018—was introduced and passed by the Andrews Labor government in August 2018 to establish the disability worker regulation scheme. However, since then, as the government has continued to consult and engage with stakeholders in the disability sector regarding the implementation of the scheme, it has become apparent that necessary changes are required. Therefore the proposed changes being made by the Disability Service Safeguards Amendment Bill 2020 will improve the operation of the scheme.

I am also pleased that the amendments put forward in the new bill will provide greater clarity for disability workers seeking registration and for people seeking information about registered disability workers, including people with a disability, their families and carers, disability employers and the general public. I wish to take this opportunity to thank the incredible workforce we have in our disability sector in Ballarat, including but not limited to McCallum Disability Services, Pinarc services, Ballarat Specialist School, Scope, and Buddies C.A.N. To all the people who provide therapy services, educational support, social work case management, adult day programs, recreation, advocacy, support groups, respite, community education and early childhood programs, thank you for the work that you do.

I would also like to take this opportunity to acknowledge the very important role that carers play in my community. Across Victoria we have more than 736 000 Victorian carers who give their time, effort and love to look after a family member or friend who needs them. Carers come from all walks of life and stages of life, and what they have in common is the emotional, financial and physical stress that caring for a loved one can involve. I strongly believe that we need to support and recognise the very significant role that carers play in our community, because it comes at a cost. The statistics show us that 20 per cent of carers give up work to provide care and that young carers drop out of school at a higher rate than other children of the same age. As a result of this, carers often have lower household incomes, placing additional challenges on them. Carers are 40 per cent more likely to have a chronic health condition, often ignoring their own while caring for a loved one. Thank you to all our carers.

I would like to take this opportunity to remind the community about the 10th annual Victorian Disability Awards and encourage people to nominate community members that are making an outstanding contribution to the lives of people with a disability. If you know someone or an organisation who is making a real difference in the disability sector, please nominate them. It is important to recognise their hard work, their innovation and their dedication. Nominations are open for individuals and groups, including people with a disability, family members, volunteers and people working in the sector. Nominations close on Sunday, 5 April, so you have still got some time to really give recognition to people who are emerging leaders and who are providing excellence in creating inclusive communities; excellence in employment outcomes; excellence in promoting health, housing and wellbeing; and excellence in promoting rights, fairness and safety. There is also a volunteer award and a lifetime achievement honour roll. There are so many people in our community who do so much. Why not nominate them for one of these very, very important awards. To find out more about how to

nominate, please visit <https://www.dhhs.vic.gov.au/disabilityawards>. It would be great to see some individuals and organisations from Ballarat nominated in this year's award.

This bill makes minor and technical amendments to the Disability Service Safeguards Act 2018. I was going to go through each one of those, but I am running a bit short of time, so I will quickly summarise why I am supporting these important changes. It is all about creating certainty and making sure that the standards disability workers are required to have and that they are required to meet to maintain registration are available on the board's website, so people know what the expectation is of them to provide the safety and the quality of care that is required. That will be available. This will be beneficial, as it provides greater clarity when it comes to developing assessment requirements, including exams and competencies, to become registered to work in the sector. It will also make requirements to maintain registration more transparent, which will provide certainty where regulation standards may be under the principal act, such as insurance requirements.

Another technical amendment that is included and is being proposed is to remove the provisionally registered disability support worker division of registration. This is redundant and unnecessary, and that is why it is being removed. The third amendment being put forward will address transitional provisions for registration that will apply in the first two years. Effectively this will ensure that disability workers seeking registration under the two-year work experience pathway will be eligible to register at the commencement of the scheme's operation. I can see this will have particular benefits for many, and I commend the bill to the house.

**Ms CRUGNALE (Bass) (12:20):** I rise today to add my voice in support of the Disability Service Safeguards Amendment Bill 2020. I also acknowledge the presence of the Minister for Disability, Ageing and Carers, and I thank him for continuing this work along with his ministerial staff, and the former minister of this portfolio, the member for Albert Park. I would like to recognise and thank the Andrews Labor government for passing the original bill in August 2018, before I entered this chamber. I also want to highlight the preparedness of this government to consult with and listen to the disability sector. Because of this honest and open approach these four amendments will improve the operation of the scheme and assist all those who implement and use disability services.

Before speaking on the amendments themselves, I wish to highlight an aspect of the consultation and design process throughout 2017–18. It was wideranging to best understand how a registration and accreditation scheme would best address the findings of the inquiry. To aid this consultation the then Minister for Housing, Disability and Ageing established a project advisory group to evaluate options to implement the scheme. This group was made up of key sector stakeholders, including employee representatives, disability advocates, peak bodies and, most important of all, people with a disability. A true co-design process, it ensured that the final design of the scheme reflected a diversity of views. Through the public consultation over 60 written submissions were received. At the same time government conducted 14 public consultation forums across the state attended by service providers, workers, people with disabilities and their families. As the minister said in his reading, and I quote:

Overwhelming feedback from consultation indicated that more needed to be done to protect the right of people with disability to be free from abuse and neglect, and to lift the standard of disability services provided in Victoria. There was broad support for a registration and accreditation scheme as the right mechanism to achieve these aims.

Consultation reaffirmed that choice and control needed to be central to the scheme and that any requirements would need to complement the NDIS Quality and Safeguarding Framework.

Briefly, amendment 1 clarifies the standards that workers are required to meet to obtain and maintain registration, the second amendment simplifies the registration process for workers and the third amendment acknowledges that career paths are multifactorial and that people committed to working in the area may need time to achieve their goal. It also acknowledges that skills are transferrable and allows for this. The fourth amendment ensures consistency in the rights and responsibilities of employees and contractors. While technical in nature, the four amendments strengthen the 2018 act and

provide further protection, and it is this one word, 'protection', which is paramount when discussing safeguards.

This bill is not seeking to create more infrastructure, more rules, more restrictions to the way that people work. Workers will be able to choose whether to register. People who employ their services will be able to engage registered or unregistered providers. Choice is there. High-quality service will be available from qualified, skilled workers. So the changes to the registration process and the removal of provisional registration will ensure that registration is easier to understand. The limited registration category allows further flexibility and confidence. Workers who are developing skills under supervision but do not meet requirements for general registration will be able to demonstrate their commitment to their industry by applying for limited registration. Others will be able to apply for non-practising registration if they need a period of absence from the profession but wish to maintain registration.

I also want to commend the 10-year time frame. When the scheme commences on 1 July 2020, registration applicants will need to demonstrate at least two years experience between 2012 and 2020, but this will extend to a 10-year period by the end of the transitional period. We know that most disability workers are female and are more likely to have had employment breaks. We know that the disability workforce has a high rate of low-paid casual workers and that many workers move between other sectors, including aged care. The 10-year time frame acknowledges prior experience and encourages professional development. It offers a career path and recognition to people who care for others and yet are often not recognised for their contribution. It is anticipated that the ability to gain registration will support growth in the workforce as the sector acknowledges the professionalism of its workforce, and that protects some of our most vulnerable workers. It also gives confidence to prospective workers in regional and rural Victoria that they will be joining a profession that is serious about standards.

Protection comes in many ways. The Andrews Labor government has a zero-tolerance approach when it comes to the abuse and neglect of people living with disability. This government is committed to protecting the rights of people with disability to be safe from harm and to have choice and control over their lives under the national disability insurance scheme (NDIS). Irrespective of registration, mandatory reporting obligations will apply to all disability workers, and complaints can be made by anyone who believes that a standard has been breached. Complaints will be investigated, and the commissioner has the power to prohibit a worker from providing disability services. Protection will also be provided through the disability worker regulation scheme, which will also come into effect on 1 July 2020. The Disability Worker Registration Board of Victoria and the commissioner, who commenced last October, will join the Victorian Disability Worker Commission to regulate the scheme.

Let us be clear: this is not a duplication of the NDIS. This scheme will register and regulate individual workers rather than providers, and that provides protection at a grassroots level. Over 91 000 Victorians are now on the NDIS, and we know that more across the state are waiting to join. We also know that the NDIS is not the scheme that Victorians were promised, and it is certainly not the scheme that we deserve.

People in my electorate of Bass should not have to wait for months to join the scheme or get equipment that they need or find a service that they need. Their plan should reflect their personal situation. But our Andrews Labor government is delivering on our promises and commitments to all Victorians. This bill reinforces the protection that we need as a community to support both the disability providers and the clients. Can I take this opportunity to thank all those that have told their stories and experiences to our local Bass service providers and agencies, and to our carers, each and every one of them. I commend this bill to the house, because we care.

**Ms COUZENS** (Geelong) (12:28): I am very pleased to rise to speak to the Disability Service Safeguards Amendment Bill 2020 and acknowledge the minister in the house, the minister who is responsible, the Minister for Disability, Ageing and Carers, and thank him for all his work and that of his team—really important work. I also want to acknowledge the previous minister, the member for

Albert Park, and the work that he did as well, and I will get onto that a bit later. Can I also acknowledge and thank all the disability workers out in our communities, particularly in my electorate of Geelong, and the carers and families that work hard every day.

When I start to talk about what I heard during the inquiry, it is not an attack on disability workers or carers, only on those that were responsible for those horrific abuses. I do appreciate the work that disability workers do, the carers, their families. It is really significant, the role they play in our community. For me in Geelong we have a very strong disability community, and we do a lot of work together, so I am very aware of the issues that they have faced in the past, but I am also very aware of the significance of the legislation that we have introduced. The member for Bendigo talked about the recommendations that were made as a result of the inquiry. They have had a significant impact on all people with disabilities and I know certainly in my electorate of Geelong.

The original Disability Service Safeguards Bill was passed by the Andrews Labor government in August 2018 to establish a disability worker regulation scheme. As the government has continued to consult with the disability sector on the implementation of the scheme, changes have been identified that will improve the operation of the scheme. The amendments provide greater clarity for disability workers seeking registration and for people seeking information about registered disability workers, including people with disability, their families and carers, disability employers and the general public.

In the last Parliament I was a member of the Family and Community Development Committee that did the inquiry into abuse in disability services. It certainly highlighted the widespread abuse and neglect of people with disabilities. I want to thank all those members that were on that parliamentary committee for the work that they did, and in particular the member for Bendigo, who chaired that committee and took us through a very lengthy process. We did many regional hearings. We had evidence given by regional communities. People with disabilities, their family members, carers and workers in the disability sector all came and told their stories about what was happening in their communities. So I am really proud that the Andrews Labor government has taken the committee's recommendations as seriously as it has. The zero tolerance approach and implementing safeguards are things that as a member of the committee I was determined to see.

The committee heard that the lived experiences of people with a disability, their families and carers had been ignored. That was a very clear message that came through that inquiry: people felt that they had been ignored when it came to reporting shocking abuses and neglect—all of those issues that we were hearing in taking evidence. There were many, many forms of abuse that were reported during that inquiry: criminal, physical and sexual assaults; verbal and emotional abuse; financial abuse; and neglect.

We heard from one young woman—and I am not quite sure, I cannot remember her age, but she would not have been any older than 30—who was in a wheelchair. She was telling us that she had already been sexually assaulted four times in her lifetime—four times. She was around 30 years of age and had been in a wheelchair from young childhood. She had tried to report these incidents, and it was getting swept under the carpet.

One of the things that became really clear to me and to other members of the committee was that it had become a view that abuse within the disability sector was okay. It was acceptable. There was not that urgency to do something about it. It was just accepted by the overall disability sector that these things happen—'Let's move on'. We were all shocked at the lack of prosecutions. From memory there were no prosecutions from the many complaints that had been lodged with police.

There were all sorts of horrific stories that we heard. I have been involved in the disability sector for many, many years—and for me, I was totally shocked. I remember thinking at the time that when we stop being shocked at hearing these stories, then we have a problem. A lot of these people in the sector had stopped being shocked. They just took it that 'Okay, this has happened. Let's move on. Let's not try and deal with some of the serious issues that we are facing as a community'.



So there had been a failure to uphold the rights of people with disability and, as I said, there was this real cultural issue in the sector. Again, I reiterate there are many, many good disability workers out there. This is not an attack on disability workers as such or on the families or carers. This is about getting rid of those despicable workers that were moving from agency to agency and getting away with it and abusing people with disabilities because of their vulnerabilities. We had stories of people who were totally reliant on a carer coming in or a disability worker coming in, getting them out of bed, getting them up for the day and doing various things for them who did not even bother turning up until later in the day, if at all. That is just horrific stuff. That person then lay in their bed for hours or until the next day for someone to come and help them get out of bed and get on with the day. These are really horrific stories that in this day and age, in our community, we should not be hearing, and we have to get rid of it. This amendment actually helps to do that. We will not see individual workers who are carrying out these forms of abuse moving from service to service and being allowed to continue what they are doing.

We also heard from family members about their frustration with the system for reporting abuse and their fearfulness for their children, and the fact that they at times had reported abuses or alleged abuses but again it was swept under the table. When police became involved the police had difficulty in trying to determine whether that person was a credible witness. So there were many, many issues that were raised around that reporting side of things as well. As I said, many families and carers and people with disabilities raised significant concerns during that inquiry that they were ignored and dismissed and not dealt with, when that worker could just go to the next agency or even go interstate and work with other people with disabilities—vulnerable people who should have been protected by our community and were not.

I think there were almost 50 recommendations that we made, and many of them have been accepted by government and are being rolled out. This one is part of that, to ensure that we have those protections in place.

I just want to finish on the NDIS Reserve Fund, which I think is a really key issue. Victoria signed up for the full scheme bilateral agreement with the commonwealth in June last year in which the Victorian government contributes \$2.5 billion per year—a bilateral agreement, a commitment to establishing a reserve fund by the end of 2019. The fund comprised \$1.6 billion underspent from the NDIS transition period. This money was saved by the commonwealth as a result of problems with the NDIS, such as the delays that people faced trying to get an NDIS plan, and as thousands of Victorians struggled to navigate the scheme and access the services they deserve. The commonwealth gave commitments to provide a framework to the reserve fund, and I commend the bill to the house.

**Mr MAAS** (Narre Warren South) (12:38): It too gives me great pleasure to rise and to speak to the Disability Service Safeguards Amendment Bill 2020. The amendment bill is about continuing to support all of those with a disability and all of those who work and provide care in the sector, whether they are paid or not paid. I am talking about the workers, the carers, the families, the volunteers and the service providers as well. They perform outstanding as well as much-needed work in our community.

As it suggests, the bill amends the Disability Service Safeguards Act 2018 and supports the objectives of that act. That act implemented a registration and accreditation scheme for the Victorian disability workforce to protect the rights of people with a disability to be safe and to receive high-quality services; to enhance service quality by ensuring workers have the necessary skills, experience and qualifications; and to fundamentally enable people with disability to exercise greater choice and control in their lives.

The second objective was to update the rights of people living in specialist disability accommodation to align more closely with the rights of other tenants in the community. The premise was simple: just because you have a disability does not mean you should have a reduced amount of rights. The act gave better aligned rights. It also provided continuity of existing specialist protections, giving effect to the

core tenet of the national disability insurance scheme about choice and control by separating residency rights from service provision. It ensured Victorian regulatory requirements did not conflict with those under the NDIS, so that residency rights could be enforceable.

The Victorian government has taken a zero-tolerance approach to abuse and neglect of people with disability. And we have shown that; so much has been done. The 2016 report of the parliamentary inquiry into abuse in disability services made several recommendations to strengthen safeguards in the sector, and we responded immediately by legislating in 2018 to establish a regulation scheme for the disability workforce.

The government also expanded the referral, inspection and investigatory powers of the disability services commissioner, including a power to review all deaths in disability services. Our disability abuse prevention strategy, launched in April 2018, outlines the government's initiatives to build the capacity of individuals, workers and providers to prevent abuse. The strategy introduced a code of conduct for all disability workers. And there is no point having a code unless the back-end work is done too, so the department provided resources, facilitated workshops and training sessions for disability service providers and the disability workforce to support the code's implementation. The department and Victoria Police have also jointly developed *Responding to Allegations of Abuse Involving People with Disability* guidelines to provide clear advice to people with disability, their families and carers on how disability service providers and Victoria Police respond to allegations of abuse.

Last year's state budget provided an additional \$4 million over four years to Consumer Affairs Victoria and the Department of Justice and Community Safety to regulate specialist disability accommodation to ensure residents can exercise choice and control. In 2018 we passed the Disability (National Disability Insurance Scheme Transition) Amendment Bill 2019, which amended the Disability Act 2006 to allow regulatory responsibility for NDIS providers operating in Victoria to be transitioned smoothly to the NDIS Quality and Safeguards Commission. This legislation introduced additional safeguards, including giving the senior practitioner power to prohibit regulated practices from use by registered NDIS providers in Victoria. It also expanded the functions of the secretary of the department by enabling the secretary to develop safety screening policies and share information about worker suitability. This will prevent workers currently on the disability worker exclusion list from re-entering the disability sector.

We also welcomed the commonwealth's announcement of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability and provided evidence at the December hearings in Melbourne. As the government has continued to consult with the disability sector on the implementation of the act and the scheme, changes have been identified that will improve its operation.

The Disability Service Safeguards Amendment Bill itself will strengthen the act, and it will do so to protect advancements made in choice and control and ensure that people with disability have the right to be free from harm and abuse. It provides greater clarity for disability workers seeking registration and for people seeking information about registered disability workers, including people with disability, their families and carers, disability employers and the general public. There are four technical and clarifying amendments to the bill. Firstly, the bill clarifies that an approved registration standard is one that has taken effect and been published on the Disability Worker Registration Board of Victoria's website.

This amendment makes clear that the standards disability workers are required to meet to obtain and maintain registration are those that are available on the board's website. This amendment will provide certainty for areas where registration standards may be made under the act, such as in relation to exams and assessments required to become registered and requirements to maintain registration, such as insurance requirements. This amendment will ensure both disability workers and people with disability understand what it means to be a registered worker.

Secondly, an amendment removes the provisionally registered disability support worker division of registration. The Disability Service Safeguards Act 2018 has alternate options to register a disability support worker that are well defined and less complex. As a result, the provisionally registered disability support worker division of registration is not required, and this has been removed.

The third amendment concerns the transitional provisions for registration that apply to the first two years of the scheme. It ensures that disability workers seeking registration under the two-year experience pathway will be eligible to register at the commencement of the scheme's operation. It also increases the time frame to obtain experience from a three-year up to a 10-year window. This ensures that competent and safe workers who have taken career breaks or who have gone to work in other sectors, such as aged care, are still able to register.

The final amendment ensures that rights and responsibilities of employees and contractors of the Victorian Disability Worker Commission are consistent throughout the Disability Service Safeguards Act 2018 and reflect the relevant provisions in the Disability (National Disability Insurance Scheme Transition) Amendment Act 2019. All of these amendments that I have just been through complement the fine work that has been done in the disability services sector over the last five years. I commend the bill to the house, and I wish it a very speedy passage.

**Mr FOLEY** (Albert Park—Minister for Mental Health, Minister for Equality, Minister for Creative Industries) (12:47): I move:

That the debate be now adjourned.

**Motion agreed to and debate adjourned until later this day.**

#### **NORTH EAST LINK BILL 2020**

##### *Second reading*

##### **Debate resumed on motion of Mr PALLAS:**

That this bill be now read a second time.

**Ms STALEY** (Ripon) (12:48): I rise to speak on the North East Link Bill 2020, and I do so because this bill has been brought in by the Treasurer and as Shadow Treasurer I respond to his bills. But I would note that the media release alerting the community to the existence of this bill was in fact put out by the Minister for Transport Infrastructure. We queried at the bill briefing why in fact, given that the media release was by the Minister for Transport Infrastructure, the Treasurer had brought it in. The answer we got was that it was because of the amount of money involved. I say that the adviser who gave us that comment was not making any editorial, but I will, because of course the Minister for Transport Infrastructure has incredible form in not being able to manage projects and get them in on budget.

When we even look at this project, the North East Link, it was originally announced as being a \$5 billion project. It is now up to \$16.5 billion. That is an enormous \$10 billion cost blowout before we even start. I know there is a lead contractor or lead consortia appointed to build this, and I will come to that a bit later. This is yet another one of the reasons why this government has not been able to announce an economic stimulus package, unlike every other state and territory and the commonwealth, because they have blown \$24.4 billion on waste and cost blowouts.

In beginning my contribution I go back to a piece that appeared in the *Heidelberg Leader* back in March 2014. It noted that the then Leader of the Opposition spoke exclusively to the *Heidelberg Leader*, and the opposition leader, now Premier, confirmed that a Labor government would not support the construction of the North East Link:

Mr Andrews said while there was no shortage of good “high quality” projects, he did not want a transport alternative that would cost \$100 billion and take more than 50 years to deliver.

Well, sometimes the Premier's words are the gift that just keeps giving, because in this case not only was he rejecting the North East Link—the project that this bill is about—but of course he was

editorialising on projects into the future. He has come up with another one that is going to cost \$100 billion and will take more than 50 years to deliver. No wonder we are in the state we are in when the Premier cannot determine what are good projects and has now at last come to realise that this is a worthwhile project. I went to the bill briefing, and I thank the Treasurer and his staff for organising that bill briefing for us. They came with slides, and the first three of those were about the project. They did not want so much to talk about the tolls, they wanted to talk about the project. I will have a bit more to say about that as well.

The reason we have this bill in the form that we do, which is a bill that sets up a toll company owned and run by the state of Victoria, is that the private tolling operators, both domestic and globally, have not shown interest in greenfields tolling. That is actually not a controversial point. It is clear that with the change to a low interest rate environment we do have a situation where the traffic projections mean that these private tolling companies are not interested in taking on the start-up risk, hence we have a government-owned entity. However, in setting up a government-owned entity, the government have said one of the reasons they are doing it is that they cannot get a private operator to come to the table, but another reason they have given is that they want to develop toll company capacity within the state of Victoria. As will be seen, this bill does not do that. This bill sets up a shell of a company. The actual tolls will continue to be set by the Treasurer working through Governor in Council, but more importantly, it is not envisaged that there will be North East Link tolling tags. People will still use their CityLink or EastLink e-tag, and then all of the tolling revenue for the North East Link when it opens will be roaming revenue. So in fact the state will not be developing tolling capacity. It will instead be getting it from the existing players in the market, but if we look at the project itself, before we even get to how it is going to be tolled, this project is mired in a whole lot of problems before it even turns a single sod on the main construction. The government cannot get a builder to make a compliant build to build the road.

John Holland has come out and said that it will most likely put in a noncompliant bid, because it does not want to take the risk inherent in the government's demands, which say that for any cost blowouts, any unforeseen circumstances, the people building it have to wear those costs. That is why we currently have parties trying to walk away from the West Gate Tunnel Project. There have been stoppages on the Metro Tunnel, and the way this government has structured projects has now made them completely unattractive to the major builders. As a result, extraordinarily, the government has come back and said that if we do not get a compliant bid and nobody bids, then they would build it themselves. As my former colleague, the former member for Hawthorn and good friend, John Pesutto, said in the *Age*:

Have things become so bad that the current government is flirting, even if insincerely, with an idea that governments of both persuasions have eschewed for the better part of 30 years? That is the idea of actually building major infrastructure when the private sector is perfectly capable of doing so ...

So not only can the government not get somebody to build their road, they have the additional problem that the road has been approved without a final design. As a result we have four local governments taking the Minister for Planning to the Supreme Court, arguing that by the time a design is actually finalised for this road there will not be the proper opportunity for locals affected to provide any input on the potential impacts. That was from a story in the *Age* by Clay Lucas and Timna Jacks on 12 February 2020. Similarly, in a comment piece, Clay Lucas has gone on to say:

... the process that has led to this gargantuan road project ... being deemed environmentally acceptable by Planning Minister Richard Wynne is unacceptable.

What has been approved by Mr Wynne is not a road so much as a general 'It's the vibe, your honour' notion about where the most environmentally disruptive road that Melbourne has seen will be built.

Again, this government is not doing its projects properly. This is why we end up with these massive cost overruns. Just on the issue of the route for the road and the planning, I note that the member for Bulleen is in the chamber at the moment and I am sure he will make an incredibly well-informed contribution to this debate, because this road does in fact go through the member for Bulleen's

electorate. He has repeatedly—most recently on Tuesday, 3 March—raised the issues around compensation, around planning, around consultation in this Parliament and in the community. Again, this government is just not getting this project right, and there is a long way to go before this becomes a world-class project.

The last thing I would say before I get to the seven parts of the bill is that the Treasurer, in his second-reading, made the point that the road will not open until 2027. That is on the best estimate of when we are likely to see it. He said:

The Bill establishes the framework for the operation of the North East Link, with the road to open to the public in 2027.

The reason I raise that point is we are debating a bill that is apparently so urgent that it takes precedence over the ability of all members to raise current issues in this place—to raise members statements, to raise grievances—where many members have now been denied the opportunity to speak to the Parliament, to speak to the executive and to raise concerns found in their communities, particularly around COVID-19, but in general the many, many issues that members want to raise. The argument was, ‘No. The government’s legislation is what is important. We must get through the government’s legislation’. This bill does not operate until 2027. No toll will be collected until 2027. There is no urgency for this bill. The other argument you could make if you were trying to rebut me on that would be to say, ‘Well, the bill also sets up a framework for the people who will build the road’. But, as I just said, they have not got anybody to build the road. The government does not have a partner to build the road. So there is no urgency for this bill. There is no reason that we need to be debating this today, but here we are.

I now move to the seven parts of the bill. Part 1 of the bill deals with preliminary matters and includes definitions. While the definition clauses of many bills are not perhaps that exciting, this one does illuminate a key issue with this bill. If we go to clause 3, ‘Definitions’, it says:

*North East Link Project area* means the area of land designated as the project area under section 95 of the **Major Transport Projects Facilitation Act 2009** and published in the Government Gazette as varied from time to time ...

If we then go to the Major Transport Projects Facilitation Act 2009 and we go to section 95, what it says in subsection (1) is that this section applies if ‘the Premier declares a transport project to be a declared project’, which this one is, or ‘the Planning Minister makes an approval decision in relation to a declared project’, which the planning minister has. Then it says:

The Planning Minister, by Order published in the Government Gazette, must designate the area of land for ... the declared project to which that declaration relates.

Why does this seemingly arcane definition matter? The reason it matters is that it is the first of two places where this bill allows the minister to designate any road within the north-east link area as the north-east link road. That means, as the handout that we got with the business case and many others say, one end of the north-east link road attaches to the Eastern Freeway. In fact this bill explicitly says that the government can designate the Eastern Freeway, particularly the works to widen the Eastern Freeway, as part of the north-east link area. That is what this bill allows.

The government has never ruled out tolling the expanded Eastern Freeway. They have said they will not toll existing roads, but when asked specifically very detailed questions about whether they would toll the expanded, additional lanes that are going on to the Eastern Freeway, the government has not ruled tolling those out. As a result we will be moving in the Council—we would have moved today in the consideration-in-detail stage but the Leader of the House’s response to the Manager of Opposition Business’s request to take this bill into the consideration-in-detail stage was, ‘You’ve got to be joking’. The Leader of the House treats the Parliament with contempt—and here is yet another example of it. In the Council we will move an amendment to make it clear that this bill cannot be used to extend tolling to the Eastern Freeway. There must not be tolls on the Eastern Freeway. There must not be the

possibility of tolls on the Eastern Freeway, and we will invite the government to support this amendment and make it clear once and for all that they have no intention of tolling the Eastern Freeway.

I now move to part 2 of the bill. Part 2 of the bill sets out the functions and structure of the North East Link tolling corporation. It says in clause 12 that the North East Link State Tolling Corporation fixes and collects tolls. But if we then see clause 101, which is about who sets the roaming agreement—and I will come to this—all revenue on this road is going to be roaming, so it is actually the government itself setting the tolls; the North East Link corporation will not set the tolls.

Part 2 also sets out who appoints the directors and how they are paid. The directors of this company will be appointed jointly by the minister. Until the road opens that is the Minister for Transport Infrastructure, and once the road opens we have been advised it will be the Minister for Roads. These directors are appointed by the Governor in Council, by the minister and Treasurer. We asked about the remuneration for these directors because as a tolling company this corporation will end up with a lot of revenue and as a result would be in the top category for pay. But for seven years it is not going to have any remuneration, so how are the directors going to be paid? We got told that the government is going to set how much these directors are going to be paid. Let us remember: they are going to have seven years where they are not actually collecting revenue—they are not actually really doing anything other than the corporate plans and annual reports that this bill goes into great detail about them having to perform. They will do that—their chief executive no doubt will do that—and they will collect director's fees. So I am curious, as I am sure other members in the chamber are, as to who will be appointed to this shell of a company that has no functions for seven years and what they will be paid.

For those members in this place who may be considering that this might be their last term for whatever reason, could I suggest that this might be one you want to stick your hand up for, because as far as we can see for seven years this corporation actually will not be doing very much.

**Mr Angus:** Gravy train for Labor mates.

**Ms STALEY:** Indeed, member for Forest Hill, indeed—another gravy train for Labor mates.

Again I refer the house to clause 40, which is in this part. It says:

- (1) The North East Link State Tolling Corporation must exercise its powers and discharge its duties subject to—
  - (a) the general direction and control of the Minister; and
  - (b) any specific directions given by the Minister with the approval of the Treasurer.

This is not a standalone corporation. This is not a corporation that will make decisions for itself. It is a wholly owned subsidiary of the cabinet. And one has to ask, given that, of all the reasons you might have a government-owned corporation—arms length from government in decision-making, developing corporate expertise, having a sense of corporate continuity—none of those things exist within the structure that is being proposed here. Therefore one would have to ask why they do not just get the department to do it. That would be cheaper, to me.

If I go to part 3 of this bill, part 3 provides for the tolling agreements to be laid before the houses of Parliament and the ability to move revocation motions. And again I give notice that in the Council we will seek to amend clause 52(1). This currently says:

A North East Link tolling agreement may be revoked wholly or in part by a resolution of both Houses of the Parliament ...

We will seek to amend that to mirror that of the CityLink agreement, which allows for revocation by either house of Parliament. We do think that the Council and the Assembly have their own heads of power and they should be enabled to revoke these tolls independently, and we would look to the crossbench in the Council to support us in that because no doubt the government will not.

Part 4 of the bill deals with tolling—the fixing and collecting of tolls and toll administration fees. These are mainly based on the EastLink and West Gate Tunnel tolling and enforcement provisions. I will not have more to say about them; they are actually copies from those bills.

However, I will move to clause 113, I think. We will start with that one. This covers the tolling roaming agreements. The roaming agreements are incredibly important to this bill because this is how all the revenue is going to be collected under this bill. At the bill briefing we were told that it is not expected that the state tolling corporation will issue tolling tags. Motorists will use a CityLink or EastLink tag. So this means it may not even run its own gantries, we were told. They may buy that technology in from EastLink or CityLink. So the tolls will be set by the government—maybe through this vehicle but effectively by the government—but that will actually flow to CityLink and EastLink and they will then pay it back to this corporation via a roaming agreement. So that will be their revenue. They are not collecting their own revenue, and I think that is an important point to understand, because while the government is saying this is partly around creating a competitor to CityLink when their deeds expire or come to an end, they are not creating that. This is a shell that is having revenue passed to it from CityLink.

Of parts 5, 6 and 7 I would perhaps highlight part 6 because, for anybody who wants to read this quite long bill that does quite simple things in many ways, part 6 provides for the making of regulations, and that is where we see a lot more of the control coming through from the state government into this corporate structure. Again, this is a shell. It is not delivering a new corporation.

So the Liberal-Nationals will not be opposing this bill. We do think that it needs a few amendments, and I have put a couple of those to the house today that we will be moving in the other place, and we would look forward in fact to the government's and the crossbench's support—both of them—particularly making it clear once and for all that we will not toll the Eastern Freeway. On our side of the chamber we are trenchant in our support for retaining the Eastern Freeway as a freeway.

**Mr Angus:** Absolutely. It is vital.

**Ms STALEY:** It is a vital, vital link, member for Forest Hill, but those on the other side have not been so open. They have only said 'existing roads'.

**Mr Angus:** Tricky!

**Ms STALEY:** Yes, tricky, member for Forest Hill. Very tricky in their language. So we will give the government and we will give the Parliament the opportunity—an opportunity I am sure they will embrace; I look forward to them embracing the opportunity—to join with us and make it very clear that the Eastern Freeway will not be tolled. So with those few briefish remarks I commend the bill to the house.

**Mr TAYLOR (Bayswater) (13:14):** As the member for Bayswater it is a great privilege and honour, and a pleasure really, to rise today to speak about this fantastic bill that is before this house, the North East Link Bill 2020. For all members in this place, you have probably heard me speak passionately, and there are many other adjectives I can probably use about my level of enthusiasm for this fantastic project, the North East Link, which is the single biggest roads project in Victoria's history.

Can I first start by acknowledging the, put simply, fantastic work by the Minister for Transport Infrastructure, the fantastic work that she has done on this bill and the fantastic work of the office of the Treasurer as well, obviously leading the bill but with the minister's team also playing a huge role in the infrastructure part of the North East Link. It is a significantly important road, and it will make a huge, huge difference to constituents in my patch, right across the Eastern Metropolitan Region area and right across Melbourne. From the outset I also want to thank of course the staff of both ministers' offices.

I just want to quickly cover off on what the member for Ripon in her contribution was asking. I am sure she will be just as honest, after I clarify this point for her, in her social media contributions and her media releases and the like. I am sure she will; I have got no doubt.

The North East Link's website says, 'Will North East Link be tolled?'. I can read it verbatim. I am sure members can go to this website and have a look:

Yes. North East Link will be funded by a combination of government contributions and tolls. North East Link will be tolled but there will be no new tolls on existing routes. This includes no tolls to use the Eastern Freeway, Greensborough Highway/Bypass and the M80 Ring Road.

Tolling points and prices for North East Link have not yet been finalised. Prices are expected to be in line with other tolls around metropolitan Melbourne.

That is very much consistent with everything that this government has said—very consistent.

**Mr Angus** interjected.

**Mr TAYLOR:** Member for Forest Hill, bless you. Bless you, member for Forest Hill. Try as you might, you can run your scare tactics. We have seen the scare tactics you have run on this and on other matters this week, but we will discuss the topic and what we have at hand here, which is roads projects, which you and those opposite have no idea about delivering. You had four years. You were the first government in decades to be kicked out in one term, and do you know what? There was an absolutely bloody good reason for it. There was a very good reason for it, and it was because those opposite have no idea how to deliver roads projects or projects of any large nature—exactly what this government is fantastic at doing.

*Members interjecting.*

**Mr TAYLOR:** I am glad they are riled up. It is fantastic. I love it. It is fantastic. If only they had this kind of passion when they were in government in delivering roads projects. All they could do was sign a site letter before the last election, and this government committed to not building a road that did not stack up. And I have got more to say about that a bit later.

I can tell you now, we have been very, very clear. As I said, I am sure that in all of their communication out to their electorates, as a responsible opposition, as they are, they will make sure that they reflect actual government information that has been communicated out time and time again. But I am sure the member for Ripon likely will not follow that, because it is not in her nature.

**Ms Staley:** On a point of order, Acting Speaker, I would invite the member to withdraw that comment.

**Mr TAYLOR:** I withdraw.

**The ACTING SPEAKER (Mr McGuire):** The member for Bayswater has withdrawn. The member for Bayswater to continue on the bill.

**Mr TAYLOR:** Having corrected some of the confusion, both members said 'tricky language'—there is no tricky language. The language is very plain and clear.

But I will move on because there are more important things to talk about, like the benefits of this roads project which is going to completely change the game not only in the way that we move around the eastern suburbs but the way we move across metropolitan Melbourne and the flow-on effects for all Victorians not just of this project but other projects being delivered by the Andrews government. When we talk about the need for this and who is interested in this project I can tell you right now, hands down, the community love this project. They love it. Everywhere I go, across every single corner of my electorate, whether we are in Heathmont, whether we are in Bayswater North—

*Members interjecting.*



**Mr TAYLOR:** Yes, in Forest Hill too, I have got no doubt. In Forest Hill as well, I can tell you now.

*Members interjecting.*

**Mr TAYLOR:** I am sure they do in Kew as well. It is a fantastic community in Kew. Everybody is for this project. What people want to see is government stop debating. They want to see governments take decisive actions, and that is exactly what we are doing, unlike those opposite, who talked about things and did not do a single thing, and unlike those in the federal government. We keep hearing communication of this \$4 billion. It is not budgeted for. It does not exist aside from on the front page of the *Herald Sun*. This money does not exist, unlike the North East Link with \$15.6 billion committed to it in the last budget handed down by the Treasurer. That is a massive, massive commitment for what is a roads project that stacks up. It was 45 cents in the dollar we saw in their own independent business case.

They continue ad nauseam to put out piece after piece after piece, trying to have their tricky political lines, to say ‘Alexandra and Hoddle, Alexandra and Hoddle’. Absolutely the Alexandra and Hoddle bottleneck needs to be fixed—absolutely. Their project did not fix it. The North East Link actually fixes this issue. When you look at the modelling, 11 minutes is saved on the Eastern Freeway—11 minutes—and it is 35 minutes across to the airport, and for people in my community that is what they want to see. They do not want to see cheap political scoring points. They want to see a road project delivered that actually stacks up. It is \$1.30 in the business case, and when you take into account other factors, \$1.40, so this project absolutely does stack up. We will not be delivering projects that do not stack up; we will not be doing that. We will be listening to expert advice, listening to the community, and that is exactly what the community voted for in 2018. Do you know why? I am here, the member for Box Hill is here, and the member for Mount Waverley and a number of other members in the eastern metropolitan area are here because we are part of a government that delivers good projects.

When we talk about the benefits, we talk about 11 minutes on the Eastern Freeway. In terms of the other benefit—remember that, by the way, this is something that has been talked about for decades—of closing the missing link in the freeway network, that is exactly what we are doing. Not only are we just getting on with things but we are not talking about them like those opposite, as I have said time and time again, because there were a number of other things when they were in government—whether it was Rowville rail, whether it was the airport rail—they promised. We know what our commitment is on that: 2022 is when construction starts. We are working with the federal government. We work very well with the federal government—extremely well. But we will actually get things done and not just talk about them, because talkfests are not for government, in case you have not learned, and I think in 2014 you might have learned that the hard way. It is not about talkfests, it is about delivering. I am sorry; I am very, very sorry for the member opposite.

Now, when we talk about benefits, it is not just about time savings, although we are also going to see average speeds boosted up to over 85 kilometres an hour based on the modelling we have as opposed to 45 kilometres an hour. So we are getting there quicker. We are getting there faster. That is important. But significantly important as well are the jobs we are creating: 10 000 jobs are being created as a result of the North East Link Project—10 000 jobs. That is pretty good, and I can tell you what: my community thinks so as well and those in the eastern metropolitan area think so as well.

It is not just about the local jobs that will be created; it is about the boost for the economy. It is a significant boost to the Victorian economy—a significant boost—because when you deliver projects that stack up the flow-on effects to the economy come through. When we talk about the eastern metro economy—because that is what my community want to hear about; my community want to hear what the benefit for them will be—it is over \$5 billion of added benefit to the eastern metropolitan GDP, and that is absolutely significant.

Half a million Victorians of course live within 2 kilometres of the planned interchange for this project, and it will change the way that we move around the city. When we talk about 10 000 jobs, there are

also 56 000 workers who will have access to more job opportunities simply because they will be able to get to where they need to go; 135 000 vehicles will use this road every day—135 000 vehicles. The member for Ivanhoe and the member for Eltham will greatly appreciate the congestion this is going to ease in their communities. It is going to take 15 000 trucks off local streets. I have driven around Ivanhoe, I have driven around Rosanna, I have driven around Heidelberg and I have driven around Eltham, and this project—

**A member** interjected.

**Mr TAYLOR:** Well, the facts are there, whether you have read them or not. I do not know whether you have read clause 113. Maybe you want to have a look at the actual facts and the actual modelling, then come back and have a chat. Have a bit of a look.

So we are talking about taking 15 000 trucks off local roads, and that is extremely significant. Of course it will save upwards of 40 per cent of time on the Eastern Freeway and actually fix the bottleneck on the Alexandra and Hoddle equation. Importantly as well, when we talk about benefits for the environment, of course we are building 25 kilometres of new and upgraded walking and cycling paths, upgrading bridges, adding more signalised crossings for walkers and riders and a bunch of 8500 square—

**Mr Angus** interjected.

**Mr TAYLOR:** I am very glad the member for Forest Hill asked: 8500 square metres of green public open space, creating absolutely thousands of square metres of open space, and more than 30 000 trees will be planted. Importantly as well, we are not just delivering roads projects but delivering Victoria's first dedicated busway. As well, this links into jobs and it links into training, because we knew this was coming. We knew it was coming. That is exactly why—whether it is this, whether it is our investments in three-year-old kinder—we are investing heavily in TAFE to make sure that people have the skills to build projects like this, with nearly 40 000 priority TAFE places last year.

**Ms Staley:** On a point of order, Acting Speaker, look, in the 8 seconds that the member has left, perhaps he could refer to just some part of the bill—just some part, any part.

**The ACTING SPEAKER (Mr McGuire):** On the point of order, the member's time has lapsed.

**Mr GUY (Bulleen) (13:25):** Well, I have not been drinking red cordial so my presentation might be a little less manic. I do appreciate the opportunity to talk about the North East Link. It is the biggest infrastructure issue in my electorate of Bulleen, and it is one that has brought a lot of concern to a number of my constituents, in particular those who are business owners and operators in my electorate. So I appreciate the opportunity that this bill allows me to put on record a number of their concerns and their genuine fear about the construction of what is still an unfunded road project. There is not \$15 billion as a by-line in the Victorian budget from last year there to build this road, as the Shadow Treasurer has pointed out; it is not funded. And parts of this bill are to clarify the funding mechanism, hence that is why it is in the Parliament—because it is not funded and these funding mechanisms need to be enabled to ensure that it can be funded. That is why we are here to debate it.

As I said, this bill is an enabler for the funding of the project. But of course what is the project? And I have heard this project referred to in many ways; the completion of the ring road is one. Well, I grew up in the north-eastern suburbs—I do not think many people in this chamber did; a couple of us did—and the ring road ends at the Civic Drive roundabout in Apollo Parkways; that is the end of the ring road. VicRoads have, in the current planning scheme in Nillumbik, land which ends at Ryans Road, and that is slated to be the end of the ring road. This is not the completion of the ring road. And I am not opening that debate up—I think debate is now settled—but I am putting on record that this is not the completion of the ring road. This is the construction of the Tullamarine Freeway on the eastern side of the city. This is an access freeway for the growth corridor through the City of Whittlesea, through the E6 onto the Metropolitan Ring Road, to then follow south through what would be the

North East Link and then meet the Eastern Freeway; that is what this project is about. And again, I would put on record my support for the construction of a freeway that will alleviate traffic through what should be or is in effect a Heidelberg bypass—to take that traffic out of the Burgundy Street and Banksia Street quarter in Heidelberg and then connect that with the Eastern Freeway. My contention has been for some years, from when this was first mooted, around the style of propositions that had been put forward, the access points for the tunnel, the funding mechanism—which the Shadow Treasurer has referred to—and that this project is going to be disruptive in its construction.

And it is important that we put those points on record in this Parliament, the first point being of course about the Bulleen employment precinct. On the current designs that have been put forward for the North East Link Project, that entire employment precinct will be abolished. I understand that in every project like this you will see land that will be compulsorily acquired. I understand that and the opposition understands that. But we have a proposition that VicRoads and this project are putting forward for a massive interchange at Manningham Road which will see the loss of all of those precincts and no compensation offered to any business that may fall on the other side of the road from a works area.

Now, this employment precinct employs more people than the entirety of Hazelwood, for instance—or in your seat, Acting Speaker McGuire, than the loss of Ford. This is an enormous loss of employment for working people in this area of Melbourne. There is no talk of compensation for any of the employees in these businesses. They will be paid out their entitlements and they will then be farewelled. There is not a discussion, as there should be, around those employees and what they will lose and the great level of certainty about what they will lose—in what we are now looking at as a very uncertain economic time.

So I think it is important to place on record my concern that there has not been any discussion about those employees' future. And I think that is important to put on record in this debate. There will be a loss of investments for individuals, and there is a local, O'Brien—and I have raised his concerns in this chamber a number of times, to limited replies from ministers, about those who have complied with all council planning schemes along routes which are slated for greater density. They have then commenced construction and of course have had a works area put next to them, which then means that midway through their construction their product cannot be sold. They are left with enormous debts and are now servicing huge debts to which they see negative equity now being realised. There is no compensation being offered for these people.

It is important that we in this debate put on record those people's concern with this project. So when people say that everyone wants this project—well, yes, everyone wants to alleviate traffic concerns and we agree with that, but we need to do it properly and not in a haphazard way which just slides other people's concerns to the wayside. The expansion of the Eastern Freeway has caused much contention in the eastern suburbs. The Eastern Freeway from Bulleen Road is slated to be 10 lanes each way, and that is going to fall to—I think, 6 or 6.5 kilometres away at the Mullum Mullum Tunnel—just three lanes each way. The traffic modelling which has been put to date says, 'No, there will be no bottleneck'.

**Mr Angus** interjected.

**Mr GUY:** To go from 10 lanes each way to three lanes each way in barely 6 to 7 kilometres is, as the member for Forest Hill says, delusional, because that traffic is not getting off at Middleborough Road. I drive it every single day, and so does the member for Forest Hill. I see where the traffic gets off, and I can tell you that that traffic which is coming through is not getting off at either Middleborough Road, Springvale Road or Blackburn Road. It is headed to the tunnels, so we are going to see great congestion in those two tunnels, and that issue has never been addressed. Nor has the loss of open space and parkland along the Koonung Creek Reserve.

At times I know the member for Ivanhoe and the Speaker, the member for Bundoora, along with myself will make the brave decision to ride our bikes into Parliament—I see the member for Ivanhoe slinking away at this point—and we will do that because the north-east—

**Mr Carbines:** Not together.

**Mr GUY:** That is correct, not together. Indeed when I was minister I reprioritised a lot of funding to build what was the north-east link for bikes to cross the Yarra River, and I did that because it is important to have good bike lanes for the northern, eastern and north-eastern suburbs. But the Koonung Creek Reserve is going to be wiped out by this project. There is no discussion of what will replace it—neither the bike lanes nor the public open space. The public open space won design awards for how good it was when it was completed in the 1990s; it won design awards. For those who use those trails, you will see the plaques down there about the use of wetlands, the interactivity with other urban areas and about how important it is and how well that was done. There is no discussion of any of that being replaced. As I said, I ride the Koonung Creek Trail. I get onto the Main Yarra Trail and then the Capital City Trail and will come into work, come into Parliament sometimes. It is a good ride. It is a highway for bikes. It is not just a walking track; it is a highway for those who choose to cycle to the city. There is not clear discussion about what will replace it. It is more than just a freeway; it is about a way of life for many in Melbourne's east. The loss of all of that parkland by the Koonung Creek; there is no discussion of that loss. You cannot create parkland. It is not Dubai. We do not go building islands in Port Phillip Bay, and even then, that is 40 kilometres away from what we are talking about. What we are going to see is a major loss of open space, and that has not been addressed. That is why in this debate it is important to do that.

There is the compulsory acquisition of homes issue. I know the member for Ivanhoe will talk about his area, but I have had some discussions with home owners who are very worried about it. There is the impact on local sporting clubs, who have still not to this day had proper discussions with the North East Link about where they may relocate. North of Templestowe Road there is currently a seed farm. I have raised it personally and I have raised it publicly with ministers to try to get the Yarra Junior Football League to relocate there. I have tried in good nature to do that to try to get an outcome there. It has not been addressed. They have been told there is no more money left. There is the loss of the school front at Marcellin College, for instance. Marcellin have a great big oval, as you could imagine, at the front of their school fronting Bulleen Road. They have been told, 'It is okay', by the North East Link, 'You will only lose 2 metres off your oval'. With great respect, an oval is not something that you can just shave 2 metres off and the thing still works—it is an oval. You take 2 metres off the lot, not just one bit. These are the kinds of discussions that have been had.

There is still a lot of community angst over the North East Link. Not over the concept of getting traffic flowing off Bulleen Road, and certainly not that coming off the Eastern Freeway and onto Bulleen Road, which certainly does need to be improved. The Heidelberg bypass and Rosanna Road is clearly a problem. My grandfather, before he passed away about a year or so ago, lived right near that area in Rosanna, so I know it very well—near St Martin of Tours—and I can tell you that the traffic there is a disgrace. It does need to be addressed, and we do not oppose that, but we do have questions that need to be asked about the construction of this project and some of those design options. They have not been addressed to date.

I put on the record for my community in the City of Manningham, the western end of the City of Manningham, that I hope that this debate and associated discussions around it will draw out some level of community certainty around the issues that I have today put on record. Those questions will only get greater over the next few months because this project is about to ramp up. As I said, I place on record in the final 10 seconds that we do not oppose fixing the traffic problems in the north-east. I am a child of the north-east, but we want those questions answered for our communities.

**Mr KENNEDY (Hawthorn) (13:35):** I am very pleased, delighted, excited to speak on the North East Link Bill 2020, a project that will bring many benefits to the east, where my electorate of

Hawthorn is situated. This project has been spoken about for many years, but it is the Andrews Labor government that, as we have seen so many times, is getting on with delivering this vital piece of infrastructure. This bill will facilitate tolling on the North East Link and establish the State Tolling Corporation and necessary toll enforcement and governance regime, to which I will return shortly.

Up to 135 000 vehicles will use the North East Link. This will see 15 000 trucks a day off local roads, with significant environmental benefits, while dramatically reducing congestion in the north-east. Additional lanes on the Eastern Freeway will also help ease some of Melbourne's worst bottlenecks. Not only catering to the many road users, there will also be a range of benefits for cyclists, walkers and public transport users like myself. As I will outline later, this road will also play a vital role in connecting communities.

As the Treasurer has outlined, the project will be built to the highest environmental standards, with an emphasis on noise reduction or minimisation and engineered to a higher standard than any previous Victorian road project. Consistent with the project's environmental credentials are Victoria's longest road tunnels to protect those key areas of high sensitivity. Of course, Environment Protection Authority Victoria's role in daily monitoring ambient air quality is recognised by six selected locations.

I believe it is also worth highlighting the differences this project has to date from some other roads proposed in this house. Work began on the North East Link on day one of the second term of the Andrews government. To paraphrase a former Prime Minister, this government did not lose a referendum on the North East Link. There was no need for secret side deals. This project was voted on by the Victorian people and endorsed by the Victorian people. While one project was shrouded in secrecy until a new Premier had the guts to release the details, this project worked with local councils for three years—three years—and held an environment effects statement process, which saw 2000 individual pieces of feedback, 870 submissions, 40 days of exhibitions and 36 days of hearings. Engaging with the grassroots community, working with the people rather than just having a born-to-rule attitude, ensures this project's success.

Enthusiastic and passionate groups, such as the Boroondara Bicycle Users Group, BBUG, and the Metro East Bicycle User Group, MEBUG, as well as other bike groups and walkers will be able to use more than 25 kilometres of new and upgraded walking and cycling paths. Whether it is a school fete, mobile office or even on an election day, a passionate member of BBUG or MEBUG will find time to visit and speak with me. It is clear from their dedication and advocacy that there is a need for more cycling infrastructure around Melbourne. Long have there been complaints that the current eastern route along the Yarra River is indirect, but the eastern bike corridor will provide a direct route for commuters and recreationalists alike.

In addition, the north-east bicycle corridor will be completed, which is a new commuter cycling route to the city along the Eastern Freeway between Chandler Highway and Merri Creek. Bridges will also be upgraded, and more signalised crossings for walkers and bike riders will be provided. This will include upgrading the bridge next to the Koonung Creek wetlands, improving disability access to an incredible local resource.

While most of this falls outside my electorate of Hawthorn, it has many benefits to my community. The Anniversary Trail will now be our link to many other parts of Melbourne. Cyclists will be able to come down from the inner north or outer east, stopping along the way at some of the cafes that Canterbury and Camberwell have to offer. They will learn the history of the outer circle railway, with two historic bridges marking the edges of my electorate: the Canterbury Road bridge in the north and the Toorak Road bridge to the south, both built around 1890. Weekends will be better spent on two wheels, exploring Melbourne and its history and culture. So many families and friends, with cycling and walking at the forefront, will be better connected across our city.

My grandfather was born in the 1880s and was ahead of his time, driving a car in the 1920s. Alas, this was not a skill passed down the generations, with neither my father, me nor even my son having

received their drivers licence. Now, some may be asking why as a non-driver myself am I speaking on a bill about a road I will not be using. Well, of course, like many Victorians, I too will benefit, and as an avid user of public transport I am keen to highlight the important upgrades included as part of the project. The inclusion of Melbourne's first dedicated busway is a win for public transport users along the Eastern Freeway corridor. The communities of Doncaster, North Balwyn and Bulleen will see improvements in their morning commute with an upgraded park-and-ride at Doncaster as well as a brand-new park-and-ride at Bulleen. The new busway will feature dedicated connections to both locations, allowing for unimpeded access, cutting delays. By eliminating the need to navigate traffic at on- and off-ramps, buses will be able to travel up to 100 kilometres an hour, slashing the morning commute for thousands by up to 30 per cent. It is more than just speed, though; this is connecting more communities. By giving people in Doncaster express trips along new uninterrupted routes, they are given easy and affordable access to more parts of our beautiful city—no more weaving in and out of traffic.

This vital road, linking the north to the east, also provides increased economic opportunities for people living in the north, east and south-east. There will be more job choices, and residents will be able to boost income levels and support the development of suburban hubs. Therefore the North East Link will be critical in providing 56 000 more job opportunities for workers in the north-east.

I now turn to specific elements of the bill. The government will introduce a new structure where a state tolling corporation, or STC, will be responsible for fixing and collecting toll revenues for the North East Link. The powers and responsibilities of the new statutory body will be managed through a North East Link tolling agreement with the government, with changes to this agreement subject to review and the right to revocation by Parliament. In addition to the many benefits it will bring, the North East Link will change for the better the way we move around Melbourne.

I would like to mention briefly some of the wrinkles that were highlighted by the member for Bulleen. Like the member for Bulleen, I have a great love of Marcellin College and a number of other activities and institutions that will be affected by the North East Link. But I believe these are wrinkles that will be settled over time—and there is plenty of time, but we need to get some things settled and organised right now. Whilst I acknowledge that there can be some wrinkles and that there is still work to be done, in consultation and working with various sporting institutions and educational institutions, such as Marcellin College, I believe these are fixable things and that in the long run the whole bill will work for the mutual benefit. So I commend the bill to the house.

**Ms McLEISH** (Eildon) (13:44): I rise to speak on the North East Link Bill 2020, and I am interested to follow the member for Hawthorn, who was speaking on a road bill but says that he has never had a drivers licence. I am not quite sure how easily he can understand the issues that face drivers on a daily basis when he is so far removed from that himself.

The bill that we have before us proposes to establish the North East Link State Tolling Corporation for the North East Link road, which will enable the future operation and maintenance of the North East Link road and of course the imposition and enforcement of tolls for the link. And obviously, as with most bills, there are related changes.

I think it is important that we do have large road projects in this state. It is important that we also have large rail projects. But a road project like this that could make a difference is something that is certainly worth investing in for the state government. We have road projects that are large and we have smaller ones. I have got smaller ones at the moment in my electorate along the Maroondah Highway between Coldstream and Healesville, and community consultation is important—real consultation. The Minister for Roads must as a matter of priority schedule community consultation sessions with regard to proposed changes on the Maroondah Highway between Coldstream and Healesville, in particular the proposed reduction in speed limits from 100 to 80 kilometres per hour. Whether you have larger road projects or smaller road projects, it is important that the right amount of consultation is done.

This is going to be a massive cost to the state, and that in itself will be interesting—how the state government is going to be able to afford to fund this going forward given that we have got massive black holes already and we know that they are certainly well and truly over a billion dollars in the red. And that was before the bushfires hit, before the coronavirus hit, so that was for the first six months of the financial year. So we have got a long way to go, and for big projects like this, whilst important, the financing is going to be interesting.

They do not have a build partner at the moment, but you have to have a look at what is going on out there in the construction world. They are seeing what is going on with the West Gate Tunnel and the absolute stuff-up that has been. It has come to a standstill, and they have not done the appropriate planning. The stories are continuing that John Holland wants to get out of that, and you have got to ask what the wider construction community is saying about that project and about the message that the state government is sending to major construction companies that will be looking to participate in this either themselves or as part of a joint venture. I think that is something that is going to be quite interesting to follow.

Also, there are issues currently on the Eastern Freeway. We know that at the moment as you zoom down the Eastern Freeway you hit that T-intersection at Hoddle Street. This road without an east–west link will be funnelling more and more traffic to that junction and you will have incredible congestion points. We heard the member for Bulleen, who knows this project quite intimately because it goes smack through the middle of his electorate, mention that the Eastern Freeway was looking to be 10 lanes in either direction. I am not sure how many of those lanes they are going to actually try to heritage protect or whether those 10 lanes in each direction are going to muck up some of the heritage listings. Perhaps the minister at the table, the Minister for Planning, may make a contribution and talk about some of the heritage listings on the Eastern Freeway, which are quite ludicrous and ridiculous. But what is going to happen is we will still have tunnels—the Melba and Mullum Mullum tunnels—that are not going to be 10 lanes in either direction, and we are going to have absolute bottlenecks there. To bring 10 lanes down to three is going to be—

**Mr Angus:** It is shambolic.

**Ms McLEISH:** It will be shambolic, because we know now when you are driving along a road and two lanes have to come into one because of roadworks the slowdown and the congestion that that causes. I cannot see how, simply, that will work.

The bill here sets up the tolling regime for the North East Link. It makes it clear that the state sets the tolls but does not obviously set out what those tolls are. It is pretty well a shell of a bill. The provisions in this bill are very similar to those of the CityLink, West Gate Tunnel and EastLink tolling regimes. As you would expect, they are drawing on those. As I have said, the bill does not set the tolls, it merely allows for that to happen in the future, and I guess this is something that we are quite concerned about—the extent of the tolls in the future. Where will those tolls be? North East Link, yes, is going to be tolled. Everyone is agreeable knowing that that will be what happens. At the moment at the far end of the Eastern we have the tolls at the EastLink underpasses, the Mullum Mullum and Melba tunnels, but where else on the Eastern Freeway are these going to be? This is the question. You know, I think the government, Labor, have a track record. It was not that many years ago that they were not going to put tolls on—

**Mr Angus** interjected.

**Ms McLEISH:** Scoresby and EastLink. And what has happened? That is what ended up. So people out in the outer east know that they cannot trust Labor with that. They are saying, you know, that there are not going to be any future tolls on the Eastern Freeway. Well, I hope that that is very much the case. You cannot trust them. Are we going to have tolls on the Greensborough bypass or a section of the ring-road? We are really not sure about that and that is of great concern. And of course this is of great concern for me and my electorate because a lot of people in the Nillumbik shire will be looking

to use the North East Link when it is constructed. Many of them from the Yarra Ranges now use the tunnels and the Eastern Freeway, so these issues are particularly pertinent and relevant.

I want to just take the house back a little bit to the history when they first started putting proposals on the table in 2017. One of the proposals—there were three roads that were proposed—was really looking at splitting the green wedge in half, and this was something people in my electorate were quite alarmed about. The government was investigating a freeway route cutting through Kangaroo Ground and Bend of Islands. Now, if anyone knows anything about Bend of Islands, it has a special protection zone. It is an area where people do not have fences and you are not allowed have domestic animals, whether that is dogs, cats or chooks. Everything there is native. It is really quite a special area, and one of the proposals was to chop through the middle of that, and people in my electorate were really quite outraged. There were the three proposals that were on the table at that moment: one heading down through Ringwood and joining the freeway at the end; at EastLink, the intersection of EastLink and the Eastern Freeway; and one in Greensborough, which we have heard is what they are proposing.

The people in my electorate, many of them in Nillumbik shire, head to the city, and they go a variety of ways. They will go through Heidelberg, Warrandyte and Eltham fairly well in equal numbers and around the ring-road through Tullamarine as well. Not so many go with public transport—we are not so well serviced by public transport in my electorate—but people do have a very strong interest in this project, about how it is going to end up, the damage it is going to cause. We know we have heard with school ovals, bike paths—for example, the Koonung Creek—and what impact that is going to have on those areas. We do have open space and we do have very valuable wetlands, and these have been in place for quite some time. I think we have got to make sure that when we progress we do not absolutely kill off communities and kill off our recreational elements that communities rely on. For me it was pleasing, actually, that fairly soon the government did eliminate the option that went through Kangaroo Ground and the Bend of Islands, but they did do some works in the early days, and I think that was more a bit of a demo to say, ‘We are looking at a variety of options’. I hope that seriously they were not looking at that as an option, because it had so many environmental risks. It really had everybody up in arms.

So we are concerned also here that, as I have mentioned, there are no future tolls on existing roads. This is incredibly important for so many people that know they have been duded by Labor governments in the past. They do not want to be duded by Labor governments again, but I am sure that they do not trust them completely. I am sure my other colleagues will have a lot more to say about how this impacts on their areas, because it certainly does impact the people of the Yarra Ranges and people of Nillumbik and their commutes in and around the city.

**Mr CARBINES** (Ivanhoe) (13:54): I am pleased to contribute on the North East Link Bill 2020. It is interesting, isn't it, in all the years since the Melbourne transportation plan, when you go right back to 1969, to think that here we are finally dealing with the traffic congestion issues in a significant way in the north-eastern suburbs of Melbourne. There are a number of different aspects that I would like to go to in the time that is available to me to make a contribution. Firstly, I want to start with the nub of this bill, which is about establishing the North East Link State Tolling Corporation.

The key points that I want to make on this matter are in relation to a paper called *Our Plan for a Fair and Effective Toll Enforcement System for Victoria*, a briefing paper from April 2017 contributed to by Westjustice, by people like Denis Nelthorpe. Denis Nelthorpe previously did very significant work at the West Heidelberg Community Legal Service, which was accommodated at the Banyule Community Health service. He has gone on to do significant other work out in the west now, but he is known particularly for his advocacy for people who suffer financial hardship, people who I suppose have found themselves on the wrong side of administrivia with issues in relation to outstanding toll fines and debts. In the paper he contributed to, a key point is that on 30 June 2015 Victoria's outstanding infringement warrant debt totalled \$1.6 billion, a 9.5 per cent increase on the previous total. Warrants for toll fines made up some \$686 million of that figure or around 40 per cent of total debt. Outstanding infringement warrant debt is inflated on account of Victoria's toll fine system that



adds between \$155 to \$342 to almost every single unpaid toll fee of between 41 cents and \$8.90, an increase of between 3800 per cent and 83 400 per cent. Every single day of unpaid toll road usage attracts a separate toll fine and therefore a driver can be fined thousands of dollars for one week's use of a toll road.

The key points I want to make in relation to that is that while this bill sets out the structures for the establishment of a tolling corporation, there will be significant work in regulation that our government and the Parliament need to do to make sure that we provide fairness and accountability to people in the community who find themselves with toll debts. We have seen through a range of other public policy arrangements that have been in place with private tolling companies that they have not been effective but have clogged up our court system, cost our government, cost our Parliament and cost our community significantly because of the way in which those tolling regimes have been managed and the enforcement of debt collection arrangements. The 11 local government areas that recorded the highest outstanding infringement warrant debts in the 2014–15 financial year were all outer suburbs of Melbourne.

Can I just say in conclusion in relation to that report that the current system is a result of commercial negotiations and policy decisions whose consequences were not foreseen. In light of substantial research showing that disproportionate, automated systems which do not afford individuals respect and procedural fairness lead to a decline in system integrity and rates of compliance, it is probable that the current punitive system is not responsible for achieving the compliance objectives it was designed to achieve. At the same time, the current system is destroying the lives of vulnerable individuals in disadvantaged communities, while it also imposes unsustainable pressure on the courts and the justice system.

That is really the nub of the issues that relate to how important it is that we set up a state tolling corporation. There is no problem in relation to the North East Link. It will be how we practise what we preach in relation to justice for people who find themselves on the wrong side of the tolling regimes and arrangements. I am very confident that our government, in the significant work we have done in so many places across government and across public policy in this place to bring justice, fairness and equality to people in our community in so many ways, are up to the task of making sure that a state tolling regime here in Victoria through that corporation will walk the walk and will provide fairness and justice to people in our state.

People are going to be tolled on roads through my electorate on the North East Link. I want to know that they will also be treated fairly, equally and with respect and that justice will be absolutely paramount. I know that we will do that, and I think there is a lot of comfort to be drawn from having a state tolling corporation, because that also puts great responsibility and accountability on the government and the Parliament to make sure that it is better, more effective and more just than any of the private tolling arrangements that we have seen operate in our state. I will leave those comments there because there are many other matters that we need to go to.

Let me say that on a daily basis—yesterday, today, right over the break—I spend a lot of time talking to people in my electorate who are working their way through the North East Link and how it will affect them. I pay tribute to them and reaffirm to them my determination to advocate on their behalf and to ensure that they are treated respectfully and fairly and that we work extremely hard to make sure that their concerns are addressed. They remain in many cases outstanding, and that is the nature of these very significant projects. I have worked through this in other projects, whether that be duplications of rail lines in the Ivanhoe electorate between Heidelberg and Rosanna, removing boom gates or spending another half a billion dollars in upgrades to the Hurstbridge line. What you find is that you realise how small some of those projects are when we are talking about the largest road project in our state at \$16 billion. It is going to create some 10 000 jobs. It is going to remove some 9000 to 11 000 vehicles off Rosanna Road every day.

But the point is that we have walked this walk before: we have demonstrated our investment in local public transport investment. I just know that what we will be able to do as well is make sure that we

are able to support residents who are directly affected and impacted, whose lives will be changed for all time in relation to this project, but also so many people in the community where I live. I live in Rosanna. I grew up in West Preston and Viewbank; I know very well what it is like living either side of Rosanna Road.

I fought very hard to make sure that we introduced a curfew regime on Rosanna Road. Some people might say it is not perfect, but I do not hear anyone telling us to ditch the curfew arrangements for trucks on Rosanna Road. We have done safety audits on the road. We have invested multimillions of dollars in terms of traffic safety cameras and new intersections. I was just up at St James Road, where we flicked on the pedestrian-operated signals this week. There are so many small but significant pieces of work that have been done. Not only that but there is the work that we have done to duplicate the Hurstbridge line in stage 1, to remove boom gates and to also then invest another half a billion dollars in further works up through Watsonia, Greensborough and Montmorency with my colleagues the members for Eltham and Bundoora.

It shows a demonstration that for our government it is not all about roads and it is not all about trains. It is about a comprehensive investment in public transport and other infrastructure that keeps Victoria moving, and we have got a track record of that. This is a marathon, not a sprint. This project has come a long way. There will always be, whether it is those on the other side or local government, those that will find reasons and fault us as to why things cannot be done. But for 50 years we have been talking about how we cannot do anything about the traffic in the north-eastern suburbs. Well, I live there; I live in Rosanna. I cycle to this place on occasions; I get the train here most days. On the duplicated train lines and extra services we provided it was important to make sure that those services were delivered first and that we continued to meet those financial half-a-billion-dollar contributions on stage 2 of the Hurstbridge line to demonstrate to the local community that we are focused not just on road projects but also on local public transport projects—to demonstrate those projects, to deliver them, to continue to invest in them—so that we can then tackle the very significant project that has been in the too-hard basket for too long and has marginalised communities.

When we talk about how the North East Link will divide communities, as sometimes we have heard, I can tell you what divides communities: it is tens of thousands of cars on and trucks on Rosanna Road every day, people who do not live in our community, people who use it as a traffic sewer to get from the city and from the eastern suburbs to the ring road to the north. That needs to stop, and we need to do something about that because it is undermining our local amenity. It has undermined us for far too long, and it needs to change.

We also have got significant affirmation. I have doorknocked right through all these places—around Viewbank, around Rosanna, around Heidelberg. I know what people think, and I talk to them every day. We weighed the votes in Viewbank; we did not need to count them. People support the government's determination to deliver this project. It is a marathon, not a sprint, as I said. There is a hell of a lot of work still to be done, but we will press on with this project and we will deliver it, because that is what the Victorian people affirmed in overwhelming numbers in 2018.

**Mr HIBBINS** (Pahran) (14:04): I rise to speak on behalf of the Greens to the North East Link Bill 2020. This bill will establish the North East Link tolling corporation, provide for the imposition, collection and enforcement of tolls and provide for the tabling and amendment of the North East Link tolling agreement. It will also make several consequential amendments to the Road Management Act 2004 and other acts.

It is important to go into why this bill has been brought before this house—why the government is setting up a publicly owned tolling company to run tolls on the North East Link. It is not because the government has suddenly seen the light and decided that publicly owned tolling companies is the new way of business and the new way that they are going to do things and that is in the best interests of the state. It is not because they have seen the light and said, 'Well, we've done the sweetheart deal with Transurban on the West Gate Tunnel—that was the wrong approach; we're going to take a different

approach here'. It is not because they have turned the corner on their privatisation agenda—the biggest sell-off of state assets since Jeff Kennett. You have just got to look at the port of Melbourne, roads, land, public housing, the land titles office. VicRoads is now on the chopping block. Even Federation Square they tried to privatise. It is not because they have turned the page on privatisation; it is because the private sector do not want to touch the tolling rights of this road. They do not want to take the financial risk on the inevitable—and it always is—shortfall in tolling revenue, in traffic projections, in the supposed benefits that are being spruiked by the government. The private sector do not believe it. They do not want to touch it. They do not want to take the risk, and that should signal warning bells to everybody else.

So instead the government's approach is that they want the taxpayer—they want the public—to bear the financial risk when these overinflated numbers do not materialise, and then after a couple of years, once they know how many people are actually using the road, they will just sell off the tolling rights. That is what they want to do. What we will end up seeing is higher tolls going towards private profit. The minister stated in the second-reading speech that:

Establishing the State Tolling Corporation as a Government entity will build the State's capability and capacity in relation to the operation and management of toll roads.

I mean, what nonsense, as was pointed out by previous speakers. They are going to be using the tolling technology used on other roads—this is nonsense. This is not about what is in the public interest. It is not about value for money. It is not about a new approach in how the state government is going to finance these big projects. It is an absolute act of desperation. The government wants to get a bad project up, no matter what the cost to the Victorian people, and then continue on their privatisation agenda by selling off the tolling rights, resulting in increased tolls for profits. We know this is the case because as was reported in the *Age* in 2019, the government shopped the tolling rights around and found there was, quote, unquote, 'little appetite' in the private sector to take on the risks of a toll road that is underperforming. I have got to say I found those words really apt—quite amusing, actually—because it did paint a scene. It painted a real history of what has actually been happening in this state.

After decades and decades of governments of various colours serving up an absolute feast—an absolute Christmas feast—stuffing millions of dollars of public money into the profit-hungry roads lobby, this government, the Treasurer and the Premier, have served up their biggest creation yet. This is the big one. This is like the duck stuffed in the turkey. It is one of those big mediaeval banquet creations that they have come out and served up to the road lobby—and they have turned their noses up at it. They do not want it. It is chopped liver. It is incredible. And this should ring absolute warning bells to the public that the government, after years of feeding this profit-hungry industry with sweetheart deals, with public-private partnerships, have suddenly served this one up—and it does not want a bar of it. They do not want to go near it. They do not want to take the financial risk of these so-called benefits that the government are spruiking. In an article published in 2018 in the *Age*:

The government plans to eventually sell the tolling rights on the North East Link, with the tender document stating that this could happen in 2030, three years after the road opens.

It is in the tender documents. So we have got the worst of both worlds. The public takes the risk, wears the loss, before we then sell it off to the private sector so they can make a profit. That is why under standing orders I wish to advise the house of amendments to this bill and request that they be circulated.

#### **Greens amendments circulated by Mr HIBBINS under standing orders.**

**Mr HIBBINS:** These amendments essentially will see what the government's plans are for privatisation of the tolling rights. These amendments will essentially require approval through resolution of both houses of Parliament for the sale and disposal of the main undertakings of the North East Link State Tolling Corporation. This will be a test. Granted, I doubt we are going to get to a third reading on this bill in this house, as is the case 99 per cent of the time, but what we are seeking to do is prevent the government from having the taxpayer bear the losses and then the private sector reap

the benefits. That is not the approach, and that is why we will be moving these amendments, and we will be moving them in the upper house as well.

What should also be a warning on this project is that the private sector increasingly do not want to build it. They have now got the Treasurer saying he will go it alone. Again this is not because the government has changed its tune and believes the government is best placed to build major infrastructure. It is because there are too many financial risks for the private sector. The question also remains: why are we debating this bill now? The road is not going to be completed until 2027. Are they going to continue to shop around the tolling rights once this legislation is passed? We have also got a Supreme Court challenge by four councils into the environment effects statement process, because only a reference design—a concept of the road, not the actual detailed design of the road—was submitted to the environment effects process.

The government is pushing ahead despite this case and despite the exact opposite approach that the then Labor opposition took when Moreland and Yarra councils had a Supreme Court challenge in 2014 against the east–west link, when Labor then argued that a contract cannot be validly entered into while the issue is before the Supreme Court. Their advice stated at that time that if a court found that the approval of the project by the government was invalid there is no power to enter into contracts for the project and any contracts entered into were beyond power and unenforceable.

So we have a road subject to a Supreme Court case. We do not actually know what the final road will look like. It is clear that the private sector do not trust the traffic modelling and the benefits spruiked by the government and do not want to accept any no doubt generous deal that the government has put on the table. Increasingly they do not want to take the risk in building it, and the reality is we should not be proceeding with this bill at all.

Beyond this bill—if you do believe what they are saying—this is a bad project. This is a bad project that should not be built. The private sector know that, because they do not trust the benefits being spruiked, and even if you did trust it, it still means 100 000 more cars on the road; hectares of open space, green space, endangered species habitat, tens of thousands of trees destroyed; a massive widening of the Eastern Freeway to 20 lanes—and all at the cost of \$16 billion. This is at a time of a climate crisis and a species extinction crisis, and at a time when the government is cutting billions from the public sector, when our existing public transport system is unreliable, is overcrowded.

The North East Link is environmental and economic vandalism, and you also cannot argue that there is not an opportunity cost here of sinking \$16 billion into yet another mega road project. Just think of what else could be done with \$16 billion, what other uses it could go towards that could benefit this state. Could it go directly into public transport projects and making sure that we have got a world-class public transport system here in Victoria? Could it go to building new, big, publicly owned renewable energy so we can get to 100 per cent renewable energy? Could it go towards a big build of public housing to end homelessness and make sure we have got homes for all? There is a massive opportunity cost in proceeding with this road, and there are far more beneficial things that those funds could go towards.

Previous members have spoken about the environment effects statement (EES) and that process. Really that whole process, as many residents from the area who have engaged in that process have reached out to me and said, was a sham. It just goes to absolutely highlight, number one, that the environment effects statement process in this state is a rubber stamp. Over the last decade or so we have had parliamentary inquiries and Auditor-General's reports all recommend a strengthening of the environment effects statement, and it is now very clear why the government has never actually acted to strengthen that process.

What we have had is the independent advisory panel finding that the North East Link in its current form—and of course this was just a reference design—poses unacceptable ecological risks and disastrous impacts for local communities. These include increased local traffic, job losses, noise, poor amenity and environmental impacts. They are among many of the issues raised by submitters. The

independent panel found that the project had not taken sufficient measures to avoid and minimise the ecological impacts of the project, that there would be significant and unacceptable effects on endangered species such as the Studley Park gum and that the measures proposed are not demonstrated to be effective and do not represent an offset for these species.

The panel proposed five key recommendations that were rejected by the planning minister: to extend the bored tunnel option northwards to the vicinity of Grimshaw Street; to review of the need for the Lower Plenty Road interchange, to significantly reduce ecological impacts on Banyule Creek; to significantly reduce social noise, air quality, business, landscape and visual impacts on the community along Greensborough Road and the Watsonia neighbourhood activity centre; to exclude Borlase Reserve as a tunnel-boring machine launch and retrieval site; and to designate the Simpson Barracks as a no-go zone due to potential environmental impacts and further suggestions for future planning.

Even when you had this whole process going on that identified the massive environmental damage that this project would do, and recommendations put forward, it did not stop the project, which of course we have never actually seen from an EES process, which just shows how flawed it is. But even when there were suggestions to improve it the government said, 'No, costs too much, it'd take too long'. What it shows is this government is determined to ram through this road no matter what the impacts on our environment and threatened species are. We have got the concreting of waterways, the loss of 52 hectares of native vegetation, 25 000 trees, the impacts on threatened flora and fauna.

I do want to go through some of those flora and fauna because these are important. We have got the matted flax lily. It is a threatened species, and you are going to have one-third of the population at the Simpson Barracks removed. At the Simpson Barracks is one of the largest known Victorian populations of the species. They have found that the negative impact of the proposed construction on the matted flax lily will be critical. The only commitment provided is that the North East Link Project will only retain the vegetation to the extent that it does not interfere with the delivery of the North East Link. That is simply not acceptable.

You have got the Studley Park gum, which is proposed to be translocated—98 Studley Park gums. But it has been unsuccessful, and this has been found not to be a suitable approach for these trees. You have got the destruction of a 300-year-old river red gum in Bulleen that predates colonisation. I mean, you cannot ignore the massive environmental and ecological vandalism that this project poses, yet all we have heard from government members is absolute greenwash, just singing from the hymn sheet. They actually went through an environment effects statement process and found these issues, and the government has ignored the key recommendations to fix these issues.

It is not just about environmental vandalism; it is economic vandalism. Time and time again we have seen these mega toll roads. The benefits have simply not come to reality. If you just list off enough of these similar projects, you see that the Clem7 tunnel in Brisbane had half the traffic going through it of what was projected; the airport link tunnel in Brisbane, one-quarter; the Cross City Tunnel in Sydney, two-thirds; and EastLink here in Melbourne, one-third lower.

The government has made some really big claims about economic benefits, travel-time savings and positive benefit-to-cost ratios. But we know from the evidence, from all this roadbuilding that has gone on in the last half a century, that any travel-time benefits are short lived, with even worse congestion occurring in the future. The fact is that we have never gone—in the absence of a proper cost-benefit analysis—to see whether other public transport options could actually achieve some of the same objectives that the government is claiming will occur because of this project. We are just going to be now stuck with a future of massively expensive, congested roads while what should be a world-class public transport system crumbles.

This road has gone from \$7 billion in 2016 to \$10 billion within 18 months, and then to \$16.5 billion, and this is just on a reference design. As has been found by the Auditor-General, looking at the Level Crossing Removal Project, when it is just a reference design, that is a recipe for costs going even

further. Now we are hearing, it is apparent, that 22 per cent of the project's costs will be recovered because of tolling revenue. Now it is going to be the taxpayer that is going to be up for, exposed to, any variability in that occurring. It is going to be the public that is going to be forced to pay the costs of the failed traffic revenue projections, so it is unsurprising that the private sector are not wanting to touch this, and this should be a warning sign for everyone else.

This mega toll road project—and that is government's own quote—has come out of essentially a state that does not have, despite its own legislation, a long-term integrated transport plan. That is despite that being in the Transport Integration Act 2010 that Labor passed in 2010. Coming out of one of the recommendations of the independent planning panel was that the Department of Transport should develop a Victorian transport plan as required under section 63 of the Transport Integration Act to provide an effective framework for consideration of future major transport projects. All the advice from the independent panel, from experts, is telling us this state needs a transport plan, but this government just wants to make it up as they go along, and it will be the public now through the passage of this bill that are going to bear the financial risks of that. This is a massive opportunity cost for what we could have—a world-class public transport system here in Melbourne. The Greens oppose this bill, and we urge this government to cancel this project.

**Ms THEOPHANOUS** (Northcote) (14:24): I am pleased to contribute to the North East Link Bill 2020, which forms a vital piece of a very exciting plan, and that plan is for Victoria's transport infrastructure future—a plan that will see this city and this state prepared for the next century and beyond. Now, I know that in these challenging times, with the outbreak of coronavirus, it is very difficult to turn our minds to what the future will look like, but we have a responsibility to look beyond the hurdles, beyond the horizon, because we will get through this. Life will return to normal, and when it does we know that we will need the systems, the infrastructure and the arrangements in place to not just resume business as usual but grow and to thrive.

The North East Link is a game changer for the inner north. It will take thousands of cars and trucks off local roads and slash travel times for motorists. Residents living in Preston, Thornbury, Northcote, Fairfield and Alphington know how busy our major arterials can be at peak hour. St Georges Road, High Street, Station Street and Grange Road all see the pressure of motorists moving north-south as they make their way in and out of the city. That is part of the pressure of our location, wedged as it is between the CBD and the outer northern suburbs. The North East Link will shift some of that burden, encouraging movement to the east, to get onto the new road and down into the city, freeing up our neighbourhoods for local traffic.

I have spoken before about the burden of government, but governments must make decisions on behalf of those they represent. That is about 5 million Victorians, and we take that seriously. We make decisions on behalf of all Victorians, and when I look across the chamber I wonder whether everyone in this chamber takes the same view. I note The Nationals tend have a very focused view, and that tends to focus on their electorates outside of Melbourne. The Liberals, well, that is a different story again, because we saw last time they had the chance—last time they were given the opportunity by the people of Victoria to govern this state—well, they did not govern at all for Victorians. They did not, largely because they did not govern. They phoned it in, and they hit the snooze button. And when it comes to major transport infrastructure, they still run the standard lines—standard lines that have not changed for a very long time, no matter what the project, no matter how much it improves the lives of Victorians, no matter how many jobs it creates or apprenticeships it delivers. It is hard to listen to because when I look to the major transport infrastructure projects they have built—well, there aren't any. They turned up and cut the ribbon on projects that they did not fund, and that was it. So if you are not building major infrastructure at all, you are certainly not governing for all Victorians.

Then of course there is the Greens political party. We all know they have no interest in governing, let alone governing for all Victorians. They are focused on themselves, and we learned recently just how low they will sink in the Greens political party on that front when their response to a pandemic was to solicit donations to their party under the guise of helping the most vulnerable through the crisis. Who

does that? I would have loved to have been a fly on the wall during that meeting when they sat around to discuss their response to a global health crisis. What question was asked where the answer was, 'Let's solicit donations for our party'? And no-one said, 'I don't think that's a good idea'. It is a glimpse of exactly how they think.

Of course, it is not surprising. When it comes to major transport infrastructure the Greens political party have no interest in governing for all Victorians, and there is no better example of this than the member for Prahran's spray on the North East Link last sitting week and on this bill, where again we saw the virtue bubble at play. They will do anything to stop roads being built—nimbyism dressed up as indignation. I will summarise his comments like this: rail is good, roads are bad. Unfortunately for all of those Victorians who own a car and need a car for their job, to drive to work or to pick up the kids from school, they do not fit the Greens political party virtue bubble. At the last census, two out of three Victorians in work reported that they travel to work by car—two out of three.

And the fact is that the Andrews government does have a plan. It is not just in the Greens' virtue bubble, because we have a plan that includes all Victorians. We have a plan that includes improving our road network and our rail network and our cycling network. Our plan acknowledges the fact that far more of our modes of public transport actually operate on our roads—buses, trams, taxis, bicycles all travel on our roads; they rely on investment in our roads. I have said it before in this place—my community gets it. They see the virtue bubble for what it is.

And there is another thing that I have said before in this place, and I will say it again. The Chandler Highway bridge project, including the Grange Road level crossing removal, has changed the way my local community moves around. It has changed things for the better. I think I can speak for the member for Ivanhoe, the member for Hawthorn and perhaps I can even safely say the member for Kew in saying the new Chandler Highway bridge is a good project. It has dramatically improved road journeys for individuals and families, it has opened up the prospect of more public transport opportunities through more bus services and it has also greatly enhanced cycling routes. But it is a road project, and road projects do not fit in the Greens virtue bubble so they opposed it. They opposed it at four elections, state and federal—they opposed it every step of the way. True to form they also oppose the North East Link—essentially just because it is a road project. But my community knows that we must upgrade our entire transport network—road and rail—if we are to prepare our state for the future.

My community also knows that the North East Link has huge benefits for our neighbourhoods. They know that for decades there has been an unofficial north-east link, and it runs through their suburbs and those suburbs represented by other members in this house. They know that taking 15 000 trucks per day off local roads is a good thing. They know that 25 kilometres of new and upgraded walking and cycling paths is a good thing. They know that the north-east bicycle corridor between the Chandler Highway and the Merri Creek is a good thing. They know 10 000 jobs is a good thing, and that is before you look at the economic benefits of the improved connectivity for business and freight.

That brings me to the state tolling corporation that this bill facilitates. The legislation introduces a new structure, where a state tolling corporation will be responsible for fixing and collecting toll revenues for the North East Link. We know that one of the great benefits of this road is that it will allow for faster moving traffic and more reliable travel times for freight, and that means that companies like Toll Holdings and Linfox will gain vastly improved journey times between freight terminals. So it is only right that they contribute through tolls. Tolls on roads are not inherently bad things. When done properly they can be very beneficial. When drivers have the choice of using toll roads or using other roads they can be incredibly effective. I come back to my comments about governing and making choices. I am part of a party that believes we should govern for every Victorian, and that means making decisions that are in the interest of all Victorians. The state tolling corporation allows the government to keep greater control of the operation and management of toll roads, and it allows the government choice on behalf of Victorians and having dividends returned to ratepayers. It gives government the option to make decisions in the future that are balanced in favour of Victorians.

In my final minutes I want to acknowledge that major infrastructure projects like North East Link are not currently front of mind. Indeed linking and connecting with each other may seem a more and more difficult prospect as we face the challenge of coronavirus ahead. I acknowledge the burden that we are all carrying at a practical level but also at a spiritual level as we feel the weight of what is to come and as many of our hearts go out to families and friends abroad. I want to thank my community for their calm and their determination to get through a challenge that we have not seen in our lifetime.

I know that people are worried about what coronavirus means and they are uncertain about the future, but all over the electorate I am seeing acts of kindness and camaraderie in a joint effort to do what is needed to protect ourselves and each other. I want to say thank you to all of our healthcare workers and to all the doctors and staff at the clinics in my community, such as Your Community Health and all the private clinics. There are no words to express the gratitude that you deserve. Thank you to all the teachers, staff, cleaners and volunteers and to the parents and indeed the students at all our wonderful schools. Thank you to the kinder and childcare workers. Thank you to the workers in our supermarkets; I know you are dealing with a lot right now. Thank you to the organisations providing services to the vulnerable—organisations like CareWorks and our neighbourhood houses. Thank you to the carers and our aged-care workers. As a community, our combined efforts in heeding the advice of the medical experts will reduce the impact of this pandemic and it will save lives.

Of course, we know that with work comes dignity and that physical distancing and home quarantine means that for many, many people they are facing the prospect of no work. My community has many casual workers and normally a vibrant small business and hospitality and art scene. I want to send my gratitude to the businesses and organisations in my community doing what they can to keep staff employed. I know we are working on ways to support you through this. To everyone in my community and others: thank you and take care of yourselves and of others from a safe distance.

Finally, please remember that physical distancing and home quarantine need not mean social isolation. We can still check in on our friends, loved ones and neighbours by phone or technology. We can and will get through this. I commend the bill to the house.

**Mr T SMITH (Kew) (14:34):** I rise to speak on the North East Link Bill 2020. I do so as the member for Kew. This project will have a dramatic impact on my local community, particularly the suburbs of North Balwyn and East Kew. We still do not know the extent to which the Eastern Freeway will be widened under this project. We do not know whether the Eastern Freeway will in any way, shape or form be tolled by the end of this project. We certainly know that the Eastern Freeway will continue to end in a T-intersection at Hoddle Street, which beggars belief. If you think about the hundreds of thousands of cars that will be channelled onto the Eastern Freeway by the North East Link, only for them to continue to end in a T-intersection at the corner of the Eastern Freeway and Hoddle Street, it is just absolutely stupid. I put on record again my community's sincere desire to see a link from the Eastern Freeway to the Tullamarine Freeway. Call it what you will, a project that the Morrison-Frydenberg federal government has \$4 billion on the table to build. My community is sick of seeing people rat-run through Kew, through Kew East, through Deepdene, through North Balwyn, and this is only going to get worse with the construction of a North East Link that will pour an absolute tsunami of cars through my local community.

I have been inundated over the last few years with concerned residents who live near the current Eastern Freeway, in North Balwyn and Greythorn in particular, who are going to see 26 000 trees removed, the Boroondara Tennis Centre gone, Freeway Golf gone, Koonung Creek Reserve dramatically obliterated and smashed to pieces, where people have walked their dogs for decades, where families enjoy picnics, where people enjoy the leafy ambience of living in North Balwyn. This is to be destroyed, but we do not know specifically what is going to be built. The environment effects statement process and the so-called independent review into the North East Link still do not really have a sufficient amount of clarity with regard to what actually will be constructed by this corporation, by this project.



The EES process was only undertaken on reference designs; therefore it is a bit like a council making a decision on a planning permit without actually seeing the planning permit. This is ridiculous. This makes no sense, and I commend the cities of Banyule, Whitehorse and Boroondara for their advocacy on this vitally important local issue that is going to impact the amenity of my local residents so dramatically. Parents at Belle Vue Primary School in North Balwyn are absolutely disgusted and outraged that there is going to be a Los Angeles-style spaghetti junction literally built at the back of their primary school that will forever severely impact the air quality at that school and for neighbouring residents. Banyule, Boroondara and Whitehorse put out this joint statement:

The Alliance maintains that it was not possible to properly assess the impacts of the project using the proposed reference design. Other than in the most general terms, nobody really knows what is proposed to be built. Too much about the project has been left to be determined at a later time which excludes the community from the process. This is not the way this process should work—

and we will find out about this when it goes to court.

It is critical that all decisions made in relation to this significant project are made with a clearer understanding of what is proposed.

The Alliance is concerned that the full extent of environmental and community impacts remain unknown as no actual design was available for assessment. By the time that a design is finalised, there will not be the proper opportunity to provide input and make submissions in relation to the potential impacts.

The Alliance remains hopeful of achieving better outcomes for our communities.

Speaking on behalf of the City of Boroondara, the mayor, Cynthia Watson, said:

The IAC panel hearing heard from a range of experts considering a reference design which was then approved by the Minister. The process undertaken here is akin to Council approving a planning application without having received plans that demonstrate what might be built. How can a reasonable assessment of the environment, traffic and social impact on communities be made without sufficient detail?

How indeed could my opponent, the member for Richmond, make a decision in his capacity as the Minister for Planning when he did not have the full facts in front of him? I would allege that that decision by the Minister for Planning was a foregone conclusion, that no due diligence was in effect done and that he was corralled into that decision by a government utterly committed to ramming this project through, to the detriment of my local residents.

Now, I support a North East Link, I support a link between the Eastern Freeway and the ring-road, but the process by which this road has been consulted on with my local community and indeed the member for Bulleen's local community has been disgraceful, and I again put on record my severe concerns with regard to the environmental impact on my local community, the added traffic that it will create in the suburbs that constitute my electorate, the impact that it will have on Belle Vue Primary School, the air quality in the suburb of North Balwyn and the absolute and unwarranted destruction of Koonung Creek Reserve in North Balwyn, particularly if the Eastern Freeway is extended by the 15 to 20 lanes that have been suggested in a number of the reference designs.

We do not yet know what will be the final project, particularly after it goes to tender, but my community is particularly concerned that various aspects of a widened Eastern Freeway will have a huge impact on their livability but, more importantly, that it will be tolled. The Eastern Freeway has never been tolled, and whilst we are talking about the Eastern Freeway, I am still utterly, utterly amazed, bemused and disgusted that the Andrews Labor government is actively considering heritage listing the Eastern Freeway. I mean, heavens above. Sometimes you just do think that the cardigan wearers in the department have taken over and there are no sensible people running planning in this state. If the Eastern Freeway between Hoddle Street and the Chandler Highway is heritage listed, that will make a potential future east-west link virtually impossible, and I condemn that. I condemn that process, and I condemn any potential heritage listing of the Eastern Freeway in the strongest possible terms. I thank the house.

**Mr BRAYNE** (Nepean) (14:42): I rise to speak on the North East Link Bill 2020, fulfilling an election promise that was taken to the people of Victoria at the 2018 state election by the Andrews Labor government. The business case for the North East Link was released to the public ahead of the 2018 state election, and given the result of that election, work can now begin on Melbourne's missing freeway link. This bill's main purposes are to establish the North East Link State Tolling Corporation in relation to the North East Link road; to provide for the imposition, collection and enforcement of tolls in relation to the use of the North East Link tollway; to provide for the tabling and amendment of North East Link tolling agreements; to amend the Road Management Act 2004 to modify the operation of that act in relation to the North East Link road; and to make related and consequential amendments to the Road Management Act 2004 and other acts.

Now, immediately after the election result of 2018 the government opened the tender process to show Victorians that, yes, we may have won the election but that the work begins straightaway. The North East Link was one of many infrastructure promises made by the Andrews Labor government at the 2018 state election, including of course the removal of 75 of the most dangerous and congested level crossings and the completion of the Metro Tunnel and the West Gate Tunnel. These projects, like the North East Link, are absolutely vital—

**A member** interjected.

**Mr BRAYNE**: Is that okay?

**The DEPUTY SPEAKER**: Member for Nepean, you should not respond to interjections.

**Mr BRAYNE**: Sure. They are absolutely vital to setting up Melbourne, indeed Victoria, for the long term, for the future.

**Mr Angus** interjected.

**The DEPUTY SPEAKER**: I remind the member for Ferntree Gully he is not in his allocated seat.

**Mr BRAYNE**: The North East Link's benefits are well known by the community. It is expected to cut travel times by up to 35 minutes and provide for a safe and efficient freeway connection for up to 135 000 vehicles a day. In difficult economic times securing projects that will keep people in work, that will keep Victoria's economy going, are vital. This project will create more than 10 000 Victorian jobs. The North East Link will take 15 000 trucks off local roads every day and reduce congestion in the northern and eastern areas of Melbourne. Local residents will have access to more than 25 kilometres of new and upgraded walking and cycling paths as well as upgraded bridges and signalised crossings for walkers and bike riders. We are constructing five land bridges over the North East Link between Wittman Reserve and Winsor Reserve, creating approximately 8500 square metres of green public open space, and we will plant more than 30 000 trees as part of the project. Previous examples of this have been seen most recently through the sky rail project along the Pakenham line, which has seen huge sections of new green play space for residents, including bike paths, basketball facilities, picnic seating, dog parks and bouldering. The North East Link's relevance to the—

**Ms Vallence**: On a point of order, Deputy Speaker, on relevance, the member seems to be talking about a level crossing removal which clearly is nowhere near the east–west link—sorry, the North East Link—

**A member** interjected.

**Ms Vallence**: Well, they got rid of the east–west link. Deputy Speaker, I ask that you bring the member back to speaking on the bill.

**The DEPUTY SPEAKER**: Order! A number of members have strayed far from the bill, but I do ask the member to refer specifically to the bill.

**Mr BRAYNE:** I do not know how I referred to it any differently, Deputy Speaker. I was still talking about roads and then general projects and infrastructure projects. I think that the shadow minister is just trying to show her chops now that she is in a new position. I guess, good luck to you. All the best.

**Mr T Smith:** On a point of order, Deputy Speaker, the member for Nepean referred to my friend the member for Evelyn as 'showing her chops'. Could he enlighten the house as to what he means by that, please?

**The DEPUTY SPEAKER:** There is no point of order.

**Mr BRAYNE:** The North East Link's relevance to the peninsula might be limited, but we experienced our own missing link before the establishment of Peninsula Link under the Brumby Labor government. Peninsula Link was a game changer. When Peninsula Link opened up in 2013 it too created new bike paths along huge stretches of the freeway—approximately 25 kilometres worth of bike and walking paths. So many of my friends who grew up on the Mornington Peninsula have had to move to areas such as Narre Warren, Moorabbin and Sandringham, and while I am blessed to continue to live on the Mornington Peninsula, Peninsula Link has meant—

**Ms Vallence:** On a point of order, Deputy Speaker, the member is referring to Peninsula Link. This bill is about the North East Link. In line with your earlier ruling, could you please remind the member to be relevant to the bill?

**The DEPUTY SPEAKER:** My understanding is the member for Nepean is contrasting with other road projects, and I accept that that is okay.

**Mr Donnellan:** On the point of order, Deputy Speaker, Peninsula Link links directly into EastLink, which then leads on to the North East Link. It is a seamless transition from Frankston all the way to the airport, so it would be appropriate if you were to ask the member to stop interjecting while the member is talking about this great project which links you all the way from Frankston straight into the airport. That is all part of one seamless transition on freeways. What a mighty project. What a great work of the Labor Party.

**The DEPUTY SPEAKER:** I have already ruled on the point of order.

**Mr BRAYNE:** It has also meant that so many families have chosen to live on the Mornington Peninsula even if they work close to the city because it has meant that in non-peak times they can get to the city in just over an hour. It has also meant quicker times for goods and services to get to the peninsula. These are the ongoing benefits of making investments in infrastructure: the millions of hours saved, the millions of litres of petrol saved and the additional time with family and friends. These are the sometimes hard-to-quantify benefits of a huge piece of infrastructure.

Peninsula Link cost approximately \$850 million. The North East Link is estimated to cost close to \$16 billion, the largest transport infrastructure project in Victoria's history. The North East Link will connect the M80 Ring Road to the Eastern Freeway. The five separate projects that combine to make up the link include the primary package, which is construction of the North East Link from Somers Avenue to the southern tunnel portal, including all tunnel components and interchanges at Lower Plenty Road and Manningham Road; commissioning of the whole North East Link corridor and operation and maintenance of the entire North East Link from Plenty Road to Springvale Road and Hoddle Street; and of course delivery of the tolling infrastructure.

The secondary package is the north part, so construction of the M80 upgrade from Plenty Road to Somers Avenue, including the Greensborough bypass interchange and infrastructure interfacing with the Hurstbridge rail line, including any related changes to the rail infrastructure; and construction of the tolling-enabling infrastructure which forms part of the secondary package works. The North East Link is expected to open to the public in 2027. The benefits that were outlined in the business case when it came out included 35-minute travel time savings between Melbourne's northern and south-eastern suburbs; trucks off local roads, up to 15 000 per day; the creation of more than

10 000 Victorian jobs; cars and trucks off Rosanna Road, up to 11 000 cars per day; Melbourne's first dedicated busway along the Eastern Freeway; the creation of a new park-and-ride at Bulleen; and improved access and upgraded car parking at Watsonia station. Due to the works there will be permanent and temporary relocations of sporting groups, the reconstruction of sporting facilities, the upgrade and expansion of existing facilities and more than 30 000 trees will be planted as part of the project, as was stated earlier.

Now to the State Tolling Corporation: the bill will facilitate tolling the operation and the management of the North East Link and establish the necessary toll enforcement regime. Legislation is required to establish the State Tolling Corporation as a statutory corporation and to confer upon it the relevant tolling powers and road management responsibilities. Establishing the State Tolling Corporation as a government entity will build the state's capability and capacity in relation to the operation and management of toll roads. The State Tolling Corporation will also be the direct recipient of toll revenues. The bill provides the framework for the operation of the North East Link by the State Tolling Corporation. It is a project that will deliver significant benefits to the state of Victoria.

The North East Link Bill 2020 continues the legacy of the Andrews Labor government, a government that is getting things done—big projects for the future that will leave Victoria in sound economic condition for the long term. This was an election promise in 2018, and we are getting straight to work.

**Mr WAKELING** (Ferntree Gully) (14:52): I am very pleased to rise to contribute to this debate on the North East Link Bill 2020. Can I say from the outset that whilst the establishment of the North East Link is an important piece of infrastructure, the way in which this government has gone about the creation of this project has been shoddy and has caused great concern not only for local residents but for sporting users, for business communities and also for local councils. They have themselves made representations and articulated their concerns about the way in which this government has managed the North East Link project.

Certainly part of the concern that I have, part of the concern my community has and part of the concern other members of this house have, is the potential for the establishment of tolling on the Eastern Freeway. For residents in the City of Knox, who reside in either my electorate or the member for Rowville's electorate, we would be gravely concerned to think that those residents who travel from Knox to the city and back again will now be required to pay a toll when currently no toll exists. We need to ensure that this piece of legislation makes it crystal clear that there will be no tolling on the Eastern Freeway. This is not the case in the bill that we see before the house. It is imperative to provide certainty and clarity. As other members have said, if it is not the intention of the government to toll the Eastern Freeway, then the government needs to put it in this piece of legislation. It is very simple: if your intention is not to toll an existing road, then put it in the bill. Refusal to put it in the bill only sends one message to residents in the eastern suburbs, and that is that the government will say one thing today, but in the future you will be paying a toll. They are hoping that residents will forget what the government tells them now and in the future that they will forget the commitment this government made. It is imperative that this government amend this piece of legislation to ensure that the provisions regarding tolling, particularly as it pertains to the Eastern Freeway, clearly spell out there will be no tolls on the Eastern Freeway.

Another major concern I have is that clearly for those Victorians who will use this North East Link coming from Greensborough, heading south to Bulleen and exiting onto the Eastern Freeway—many of those vehicles will naturally be heading towards the city. So not only is the Eastern Freeway congested in the morning but for residents in my community who face the peak-hour traffic at the end of the Eastern Freeway, where it ends in a T-intersection, it is only going to get worse. You are literally going to be pouring thousands more vehicles onto the Eastern Freeway—onto an already congested road. If anything, it just highlights the fact that what is needed is that you have got to end the bottleneck. You have got to end the bottleneck at the end of the Eastern Freeway. You have got to ensure that you build the infrastructure at the end of the Eastern Freeway and link it up with the Tullamarine Freeway. What you actually need to do is both pieces of infrastructure. You need a North East Link, but you also

need the creation of that east–west link because for those people in the northern suburbs of Melbourne who will travel south on this newly constructed road, all they are going to do is hit an already congested road which carries vehicles that have come from the eastern and south-eastern suburbs of Melbourne. It is illogical to continue the argument that there is not a need for construction of the east–west link, because it is going to be directly impacted by the creation of this new piece of infrastructure.

The government is considering heritage listing a freeway when you have got houses, which would be considered by many across this state as being worthy of heritage listing themselves, being bulldozed by developers, for which this government has no concern. They are wanting to heritage list a piece of freeway—a piece of freeway, for heaven’s sake!—purely as a political ruse to stop a future government creating the east–west link.

I have a short amount of time left to me, and in normal circumstances we would have at least had a lot longer to speak in this house. We have been gagged as an opposition by this government. This government has rammed through changes to the standing orders of this house to prevent the opposition from standing up in this house and standing up on behalf of their community. But I will stand here and clearly articulate this on behalf of my residents, on behalf of those people who live in the eastern suburbs of Melbourne and on behalf of those Labor members of Parliament who represent those communities as well and are unwilling to stand up for their residents and actually fight for the east–west link when they know themselves that many of their residents actually want that piece of infrastructure built.

It is not a zero-sum game. It is not a choice between the east–west link and the North East Link. They actually want both, and you can actually do both. This government would have done both, because we know that John Brumby, when he was Premier of this state, championed the construction of an east–west link. If he was still Premier, you may have had both pieces of infrastructure being built by a Labor government. But not under this Premier. All this Premier is doing is selling out Victorians, selling out people in the eastern suburbs of Melbourne, and the construction of this North East Link is only going to exacerbate the problem that we are going to see on the Eastern Freeway.

So again, I call on the government, I call on the minister, if you are telling Victorians today they have nothing to fear, there is nothing to be concerned about, there will be no tolls on the Eastern Freeway—if that is what you are saying—to not just put it on a website but put it in a piece of legislation. If you are going to stand by your words, agree to put it in the act. Because if you are not willing to do that, then that sends only one very clear message to Victorians—that you are not prepared to stand by your words and you are not willing to change the legislation to ensure that residents in my community are not paying for tolls on the Eastern Freeway.

**The DEPUTY SPEAKER:** The time set down for consideration of items on the government business program has arrived, and I am required to interrupt business. The house is considering the North East Link Bill 2020. The question is:

That this bill be now read a second time.

#### **House divided on question:**

*Ayes, 70*

Addison, Ms  
Allan, Ms  
Andrews, Mr  
Angus, Mr  
Battin, Mr  
Blackwood, Mr  
Blandthorn, Ms  
Brayne, Mr  
Britnell, Ms  
Bull, Mr J  
Bull, Mr T  
Carbines, Mr

Green, Ms  
Guy, Mr  
Halfpenny, Ms  
Hall, Ms  
Hennessy, Ms  
Hodgett, Mr  
Horne, Ms  
Kairouz, Ms  
Kennedy, Mr  
Kilkenny, Ms  
Maas, Mr  
McCurdy, Mr

Richards, Ms  
Richardson, Mr  
Riordan, Mr  
Rowswell, Mr  
Ryan, Ms  
Scott, Mr  
Settle, Ms  
Smith, Mr T  
Southwick, Mr  
Spence, Ms  
Staikos, Mr  
Suleyman, Ms

## BILLS

1156

Legislative Assembly

Thursday, 19 March 2020

Carroll, Mr  
Cheeseman, Mr  
Connolly, Ms  
Couzens, Ms  
Crugnale, Ms  
D'Ambrosio, Ms  
Dimopoulos, Mr  
Donnellan, Mr  
Edbrooke, Mr  
Edwards, Ms  
Foley, Mr  
Fowles, Mr

McGhie, Mr  
McGuire, Mr  
McLeish, Ms  
Merlino, Mr  
Neville, Ms  
Newbury, Mr  
O'Brien, Mr D  
O'Brien, Mr M  
Pakula, Mr  
Pallas, Mr  
Pearson, Mr

Tak, Mr  
Taylor, Mr  
Theophanous, Ms  
Thomas, Ms  
Vallence, Ms  
Wakeling, Mr  
Walsh, Mr  
Ward, Ms  
Wells, Mr  
Williams, Ms  
Wynne, Mr

*Noes, 4*

Hibbins, Mr  
Northe, Mr

Read, Dr

Sandell, Ms

**Question agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**The SPEAKER:** The bill will now be sent to the Legislative Council and their agreement requested.

### **SENTENCING AMENDMENT (EMERGENCY WORKER HARM) BILL 2020**

*Second reading*

**Debate resumed on motion of Ms HENNESSY:**

That this bill be now read a second time.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**The SPEAKER:** The bill will now be sent to the Legislative Council and their agreement requested.

### **ASSISTED REPRODUCTIVE TREATMENT AMENDMENT BILL 2020**

*Second reading*

**Debate resumed on motion of Mr FOLEY:**

That this bill be now read a second time.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**The SPEAKER:** The bill will now be sent to the Legislative Council and their agreement requested.

**DISABILITY SERVICE SAFEGUARDS AMENDMENT BILL 2020**

*Second reading*

**Debate resumed on motion of Mr DONNELLAN:**

That this bill be now read a second time.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**The SPEAKER:** The bill will now be sent to the Legislative Council and their agreement requested.

**Business interrupted under resolution of house of 18 March.**

**House adjourned 3.07 pm.**

**Members statements**

*Published under resolution of house of 18 March*

**FAMILY VIOLENCE**

**Mr PALLAS** (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations)

I update the house about important progress to tackle the issue of family violence in my electorate of Werribee. I joined Ingrid Stitt, a member for Western Metropolitan Region, and Paula Piccinini of Safe Futures Foundation at the new Wyndham Family Violence refuge, an important facility for victim survivors of family violence.

Safe Futures is the largest provider of crisis refuge responses in Victoria and responds to the needs of approximately 1200 women and children who have experienced family violence each year across the state.

As a government we are committed to tackling the devastating issue of family violence and want to ensure that victim survivors have access to meaningful support services and accommodation facilities. A crucial part of this commitment is the adoption of key recommendations made by the Royal Commission into Family Violence, including phasing out older-style communal refuges and moving to a 'core and cluster' style. This style addresses a number of barriers that many women face when seeking crisis refuge, and this is what the Wyndham family violence refuge is modelled on. It features onsite support services in a 'core' building as well as self-contained units all on the one parcel of land, with a communal gathering area.

Whilst victim survivors often feel isolated in their circumstances, the core and cluster model provides an opportunity for socialising for the survivors and their children.

It was an honour to tour this important facility, one which will provide a level of independent living that accommodates victim survivors with disabilities and other needs. In the 2019–20 budget Safe Futures Foundation received approximately \$4.6 million to deliver a wide range of services for vulnerable Victorians, including funding for the new Wyndham refuge.

I commend the Andrews Labor government's ongoing commitment to the issue of family violence and thank Safe Futures Foundation for their continued work in providing vital refuge and services for victim survivors of family violence.

**COVID-19**

**Mr BATTIN** (Gembrook)

We are in uncharted waters, and we do not know what is coming, how long it will last for and what will be the outcome. However, we must remain calm and take each day at a time and look out for each other.

Many people are working from home, but for some this is not possible. Nurses, doctors, service delivery and hospitality, to name a few where your workplace cannot be relocated to home.

The concern of contracting the virus concerns many people, and they are genuinely concerned for any loss in their business, having to let go of staff or potentially never losing the business they have built. As recorded on the front of the *Berwick Star News*, Mush Rahaman a small business owner in the Gembrook electorate from La Baguette in Berwick stated, 'We do not know how long we will survive'. Worryingly, he has already experienced a 20–30 per cent decrease in sales compared to last year and is having to cut staff.

Small business is more than just our favourite coffee store or where we like to get our Friday night fish and chips. Small business is the largest employer in our community, and if they go, many in the community will face potential unemployment.

The flow-on effect of the decline and loss of small businesses across Victoria will be truly devastating. While I encourage my constituents to shop local where appropriate and safe, it will prove harder as things develop and we are practising social distancing.

The state Labor government must act. We are the only state in Australia to not have a state stimulus package for small businesses. While many in the community are thankful for the federal Liberal government's \$17 billion stimulus package, the Labor government must act to help our small businesses get through these challenging times.

I am calling on the Premier and his government to stop ignoring our small business owners and employers and to act now as a matter of urgency to provide a stimulus package.



**BELLARINE AGRICULTURAL SHOW**

**Ms NEVILLE** (Bellarine—Minister for Water, Minister for Police and Emergency Services)

It was with pleasure that on Sunday, 8 March, I opened the 30th Bellarine Agricultural Show. Having supported the event for many years, I was honoured to be named the show's first-ever patron.

The show really does highlight the importance of agriculture and rural life on the Bellarine. With the many and varied local exhibitors taking part, and with events like the gumboot throw, dog jump and the kids' discovery trail, everyone has a great day out.

Congratulations to the show committee, led by Janet McDonald, Graeme Brown, Kerry Peacock, and Rick Peacock, and importantly all the volunteers, the local CWA who fed them and sponsors.

**POINT LONSDALE SURF CLUB**

**Ms NEVILLE** (Bellarine—Minister for Water, Minister for Police and Emergency Services)

On Sunday, 8 March, I had the pleasure of turning the sod on the Point Lonsdale Surf Club new clubhouse. The facility includes first-class training areas, much-needed increased storage, social facilities, and it will also serve as a community hub.

The state government contributed \$2.4 million to the project, while the club raised an amazing \$2.25 million. Point Lonsdale is a great club, led by a hardworking committee, and I have been pleased to work with them. Congratulations to all involved, in particular Matthew Ponsford, Michael Doery, and Chris Harper. Also member Jess Robinson for being named Queenscliffe Young Citizen of the Year.

**GARY TOMLINS**

**Ms NEVILLE** (Bellarine—Minister for Water, Minister for Police and Emergency Services)

Congratulations to Gary Tomlins on being awarded Queenscliffe Citizen of the Year.

Gary has served the coast guard since 1976, including for many years as commodore. He is highly respected within both the Queenscliff and boating communities, and it is accurate to say that there are many boaters who literally owe their lives to Gary's work. His award is very much deserved.

**COVID-19**

**Ms STALEY** (Ripon)

My local supermarket's staff are facing abuse, with customers finding no meat and many other bare shelves—a victim of minibuses of raiders turning up and stripping the shelves. At the Avoca IGA on Wednesday, 18 March, locals and the IGA staff fought off another busload. We do not want to live this way.

Businesses and their staff across Ripon are in a world of pain. Today I spoke with a local caravan park owner who has seen bookings collapse and has already laid off three staff. The local economy relies on tourism, yet most major attractions such as Aradale tours and Mackenzie Falls in the Grampians have announced closures. Cellar doors are closing. Personal trainers and beauty therapists are seeing their income evaporate.

The federal government has acted and continues to act. All other state governments have announced stimulus packages for small business, and the Australian Banking Association has announced the deferral of loan repayments for small business for six months. Victoria is the odd one out, with no package at all for small business. The government must step up and assist small businesses in my electorate to survive.

**INTERNATIONAL WOMEN'S DAY**

**Ms HORNE** (Williamstown—Minister for Ports and Freight, Minister for Public Transport)

Recently we celebrated International Women's Day, and I would like to take this opportunity to acknowledge some of the strong women of Melbourne's west and the work they do in our community to promote fairness and equality: Laila Houli of the Newport Islamic Centre, Stephanie Payne of the Williamstown CYMS Football Club, Charlie Hetherington of the Williamstown Superules Football Club, Terry Bracks and Rhyll Dorrington of Western Chances, Lidia Neskovski of the Macedonian Australian Community Organisation, Therese McKenny of the Newport Community Education Centre and Carol Willis of the Williamstown Emergency Relief Program. All have different backgrounds and represent different sectors of our local community, but their leadership and contribution to our area is nothing short of outstanding.

I am proud to be part of a government that is promoting gender equality at the centre of its purpose. The Gender Equality Bill 2019, bystander intervention programs such as the 'Call it Out' campaign and the Royal Commission into Family Violence are each examples of this government's commitment to improving gender equality.

We also know that change from the top is not enough and that grassroots community involvement is an incredibly powerful and essential vehicle in driving the reform we need to increase gender equality. I am grateful to all of the women I have mentioned and so many more who live in my community in Melbourne's west. Powerful, strong women play important roles in promoting equality and fairness in our community and provide the next generation of female leaders with the confidence to be their best selves.

### ***CREATING OPPORTUNITY: POSTCODES OF HOPE***

**Mr McGUIRE** (Broadmeadows)

*Creating Opportunity: Postcodes of Hope* is a strategy for economic and cultural development, delivering results for Victoria. The vision and plan published in 2016 inspired an investor, by his account, to commit more than \$500 million for new industries and jobs at the Ford Motor Company's forlorn sites in Broadmeadows and Geelong, following the demise of Australia's once proud automotive industry. Similar advocacy helped secure overwhelming community support from town hall meetings to an Australian government election commitment to city deals for Melbourne's north-west and south-east.

Victoria's only prior city deal will inject \$370 million into Geelong and the broader Great Ocean Road region, so the promised deals for two major metropolitan regions would be expected to add greater value. This is why I continue to advocate that these deals drive economic development. I want to thank everyone for bipartisan support.

ALP conferences voted for initiatives to assist blue-collar communities struggling through deindustrialisation. The Business Council of Australia praised the leadership, after accepting my invitation to bring its Strong Australia conference to Broadmeadows, a collaboration that inspired investments for new industries and jobs where they are needed most. Other initiatives stand ready to be introduced. Affordable housing is crucial. The proposal features a mechanism to harness investment from superannuation funds.

Addressing the social impacts of inequality is vital. Established results show inequality leads to higher crime, health problems and mental illness, combined with lower education and life expectancy. Mutual obligation demands a coordinated strategy between governments to turn adversity into opportunity.

Redevelopment zones are essential to provide incentives to trigger private sector investments to increase jobs, growth and productivity, especially in postcodes of disadvantage.

Fast-tracking opportunities for lifelong learning, local jobs for local people and building more infrastructure are required.

Being smarter on crime, how we invest to prevent crime, particularly in postcodes of disadvantage, is critical. Such a shift requires focusing more on causes and place-based disadvantage, given that half Victoria's prisoners come from only 6 per cent of postcodes. The law and order debate must rise above endless loop arguments over which political party is supposedly tougher on crime to a coordinated strategy that is smarter on crime. While some crimes are so heinous perpetrators should never be released, most prisoners are illiterate.

I will continue to report to Parliament on behalf of the truest believers, whose voices are rarely heard and have little power, so they are not forgotten.

### **COVID-19**

**Ms SANDELL** (Melbourne)

After a summer of devastating bushfires, Victoria is now facing a new challenge: the spread of COVID-19 or coronavirus. I have had a lot of people contact my office asking how we can support each other during this difficult time.

As frustrating as they are, the point of the travel bans, self-isolation measures and bans on large events is slowing the spread of the virus to protect vulnerable Victorians and make sure our hospitals and health system are not overwhelmed, so that when people need our hospitals there are beds and staff available.

I know many people in the community are helping by staying away from group gatherings or public spaces, cancelling events, making provision for staff to work from home and being vigilant about handwashing, and that is great.

I know people are also worried about the flow-on effects of this virus. We have all seen supermarket shelves stripped bare of things like toilet paper, pasta, rice and even flour. This is particularly confronting for the elderly and people on low incomes who cannot afford to stockpile.

People are also calling my office very worried about people experiencing homelessness and those who work in the arts or in casual jobs without sick pay or security, who will be hard hit by the decisions our governments make around coronavirus. These will have a real effect on people. Indeed they are likely to affect every single one of us.

It has been heartening to see residents in my electorate offering toilet paper to their neighbours who might be running low or setting up Facebook groups to help those who might be isolated. I have set up a page on my website that includes links where people can go if they are looking for help or need help. People can go to [ellensandell.com/pandemic](http://ellensandell.com/pandemic) if they would like to help out.

We have also called on the Minister for Housing to urgently give extra support to those facing homelessness, including short term, such as getting people immediately into hotels and crisis accommodation, and a long-term solution of building more public housing, starting as quickly as possible. We have also asked for the government to announce a ban on evictions in rental properties during the crisis so no-one finds themselves without a home. I have also written to the Minister for Creative Industries, asking for an urgent stimulus package for the arts and creative sector, including a number of grants and payments to ensure our festivals, venues and creative workers get through this tough period and asking him to advocate for federal government stimulus money to be directed at casual, gig and creative workers and businesses as well. I look forward to hearing announcements soon. Thank you.

### BURWOOD VILLAGE SPEED LIMIT

#### Mr FOWLES (Burwood)

My local community has been calling for improved safety through Burwood Village, and we are delivering for them. The Andrews Labor government is making Burwood Village safer for drivers, pedestrians and cyclists with a 40 kilometre-an-hour speed limit and new electronic speed signs.

The Minister for Roads and Minister for Road Safety and the TAC in the other place, the Honourable Jaala Pulford, MP, recently joined me to introduce the safer speed limit and switch on an electronic speed sign at this busy shopping and dining precinct. Also with us was Wayne Stoll, the chair of the Burwood Village Traders Association and proprietor of Prohibition Food & Wine. Wayne believes the reduced speed limit will improve the village feel of the strip and give people a chance to slow down and check out the area.

Five new electronic speed limit signs and static signs on Burwood Highway and Toorak Road will help alert drivers to this change and help ensure the safety of the many pedestrians and cyclists in the area. Between June 2014 and June 2019 there were 19 reported crashes on Burwood Highway between Charles Street and Scott Grove, with four of these crashes resulting in serious injuries.

The Andrews Labor government has invested \$272 000 in these important upgrades, and residents have responded to the *Leader* article on the project very positively. Linden Clarke wrote that it is 'a sensible restriction for a pedestrian area, and great that it's only for peak hours'. She was supported by Paul Belleville, who described it as a 'great move!'.

We are making Burwood Village safer for local residents heading out to do the shopping or grabbing a coffee at their favourite cafe—activity that is even more important as we address the savage economic impacts of coronavirus.

### CHRISTCHURCH MOSQUES TERRORIST ATTACK ANNIVERSARY

#### Mr TAK (Clarinda)

Last year's Victorian Mosque Open Day coincided with the tragedy of the Christchurch terror attacks. The Islamic Council of Victoria, along with mosque communities, including the Masjid Westall located in my electorate, opened their doors to the wider community just two days after the tragedy. I was proud to join them on that day.

A year on and unfortunately this year's Victorian Mosque Open Day was unable to proceed due to COVID-19. However, I would like to take this opportunity to again share my condolences with the families of all those affected by last year's terror attack in Christchurch and to share my solidarity with our vibrant Islamic community in Clarinda and across Victoria.

I commend everyone who lit a candle this week not only to remember Christchurch but to send a message that we as communities and nations are stronger together. In these changing times, we are stronger together. And whether we are facing violence or terrorism or a global health emergency, we are stronger together.

### **GREATER SHEPPARTON WOMEN'S CHARTER ADVISORY COMMITTEE WOMEN'S AWARD**

#### **Ms SHEED (Shepparton)**

Last week the Greater Shepparton Women's Charter Advisory Committee announced Thelma Bull as its 2020 GSWCAC Women's Award recipient at the Greater Shepparton International Women's Day event. The award recognises those who have made a positive impact upon women and the Greater Shepparton community through their positive actions which embrace diversity, inspire and encourage women.

Thelma helps those most vulnerable within our community, working as a sergeant in the family violence investigation unit and is a strong advocate for gender equality and the prevention of family violence. She is the chair of the Greater Shepparton Family Violence Prevention Network, and with 28 years of service as a policewoman she is a key driver for community awareness through the 16 days of activism and gender equity and social inclusive initiative. Thelma is an admirable role model, who gives so much of her time, energy and love to our community to make it a better place to be. I congratulate Thelma and thank her for her continued service to our community.

To nominees Genevieve Simson and Zahra Haydar Big: thank you for the work and service you also give to our community. Genevieve is empowering our students, her peers and community to achieve the best possible outcomes in their education. Her generosity extends to mentoring female teachers and young women to build confidence in their ability to navigate potential opportunities. Zahra Haydar Big is empowering women within our CALD community, working as a community hub leader at Gowrie Street Primary School. She works tirelessly to foster relationships and partnerships to enable opportunities for local women to participate in our community, and supports them to achieve their goals and build confidence.

### **TEAM TEAL**

#### **Mr McGHIE (Melton)**

On Saturday, 29 February, the Night at the Trots fundraising event was held at TabCorp Park Melton. For six weeks commencing 1 February every year the harness racing community raises awareness of the signs and symptoms of ovarian cancer and raises funds for the peak research organisation, the Australia New Zealand Gynaecological Oncology Group, and its programs to improve outcomes for women who are affected by the disease.

Ovarian cancer is the most deadly of all the gynaecological cancers. The harness racing industry is one of the few sports where women compete against men on an equal footing.

Teal is the internationally recognised colour for ovarian cancer. In 2020, 249 reinswomen across the country will wear teal pants—every win attracts a donation of \$400. In Australia, Team Teal funds contribute to an educational program: Survivors Teaching Students. This program promotes consistent, evidence-informed messages about prevention, screening and symptom awareness of gynaecological cancers for health practitioners and engages doctors and healthcare practitioners about the importance of their role in prevention and appropriate investigation of women with symptoms.

In Australia 1510 women were diagnosed in 2019, and 1046 women will die in the same period of time. Forty-six per cent of women who are diagnosed with ovarian cancer will survive five years. At stage 1 ovarian cancer diagnosis, women have a 95 per cent chance of recovery.

On the night, brave Survivors Teaching Students speaker Leane Flynn addressed the audience about her own journey with ovarian cancer. A quote by Leane: 'We desperately need funding. We desperately need research. That is the only way this is going to stop and that's why I am sharing my story with you'. Thank you, Leane, and thank you, Team Teal.

### **CARLOS SANTIN**

#### **Mr MAAS (Narre Warren South)**

It is with great sadness that the community of Narre Warren South mourn the tragic passing of Carlos Santin on 26 February, a friend and community leader loved by many of us. Carlos was only 41, but lived his life with such kindness and determination that he impacted all those around him. As an executive officer at the

Casey Cardinia Foundation, Carlos dedicated himself to helping his community through grant writing and fundraising endeavours. He was a steadfast and passionate advocate, and those who knew him well describe him as generous and a loving friend.

Carlos worked hard. He completed degrees in international relations and environmental science at Deakin University. As well as volunteer work, he worked at Coles and as a cleaner but had extensive experience in policy work and grant writing, often done pro bono in an effort to help others.

Just a few months ago Carlos was an integral part of organising the Casey Cardinia Foundation's annual charity dinner, which raised a large amount to help reduce our community's disadvantage, poverty and distress. I knew Carlos the last two years. He was someone who gave himself in the service of others. He was kind, funny, generous and passionate about good outcomes for the community.

It is never easy to lose someone like Carlos, especially at such a young age, but his legacy continues in the work he did, and we can take comfort in this. I pass on my sincere condolences to Carlos's family: his mother, Blanca; father, Julio; and his brother, Julio Jnr, and to his friends as they go through this difficult time. Carlos's life was way too short, and he will be greatly missed. Vale, Carlos Santin.

### RYE HOTEL

#### Mr BRAYNE (Nepean)

I want to congratulate the Rye Hotel on their recent fundraising efforts towards the Rye Fire Brigade and the Victorian Bushfire Appeal. For a period during January, \$1 was donated from each meal sold at the Rye Hotel, and I am pleased to inform the house these efforts reaped a substantial \$7000—a very generous amount from the Rye community.

The money was split between the appeal and the Rye Fire Brigade, and just last month I was delighted to be able to hand over the cheque on behalf of the hotel to the local fire brigade captain, Glenn Diamond, at an event at the Rye Hotel on 12 February. The Rye Hotel is a family-run pub, and this generous fundraising effort was one of many that I saw in my local electorate during the summer fire period. I would also like to acknowledge the Main Ridge fire brigade for their fundraising efforts and for allowing me to be dunked for charity at their recent fundraiser.

The people of Nepean are generous, and during a crisis they come together to support their local community. I am so proud of my electorate, and I want to again acknowledge the work of our local fire brigades fighting fires this summer on the front line, and I pay tribute to our local community groups and businesses doing anything they can to support those efforts.

### COVID-19

#### Mr DIMOPOULOS (Oakleigh)

I would firstly like to put on my record an appreciation of the efforts of people in my community to help the elderly and the most vulnerable during the COVID-19 health crisis. This could be something that tests us, but I know that locals are already doing their bit to ensure that the most needy in our community are taken care of. I thank them sincerely.

### CARNEGIE TRAIN STATION

#### Mr DIMOPOULOS (Oakleigh)

It was no surprise recently to hear that Carnegie station was voted the number two train station in Victoria.

### LEVEL CROSSING REMOVALS

#### Mr DIMOPOULOS (Oakleigh)

We are coming up to two years since the level crossings in my community were removed. There was angst from some people about these new stations and the elevated rail, but the result has been widely welcomed, not by the opposition but by many of those who did not agree with us at the time. Right now we have safe stations with vast amounts of open space that are always busy. I thank the Minister for Transport Infrastructure for working so hard to get this done. This result is in no small part due to her effort.

**SANKAT MOCHAN SAMITI****Mr DIMOPOULOS (Oakleigh)**

I would like to thank Sankat Mochan Samiti in Huntingdale for warmly welcoming me again to their Holi celebration last week: hundreds of people, good food, fantastic company. This is one of the most welcoming places in our community. You do not need to be Indian or religious; they will always accept you as a friend and you will always be fed, and that is a service they provide every week. I would like to again put on record my appreciation to the leadership and all members of this temple for their outstanding work in our community.

**STRATHMORE SECONDARY COLLEGE****Ms BLANDTHORN (Pascoe Vale)**

On Monday I was excited to join the Minister for Education on a visit to Strathmore Secondary College. Along with Principal Jill English and year 9 and 10 student leaders, the minister and I toured the stage 1 building works that are nearing completion.

This is a school with a large school population and a constrained site geographically. The school community desperately needed new facilities that catered to enrolment demands and that made innovative use of the limited space available. The beautiful new building does exactly that. The new building includes general purpose classrooms as well as specialist facilities in science, chemistry and food technology, and they look amazing.

The Andrews Labor government is building the Education State, and our local students are great beneficiaries. We are ensuring that local students have access to the best teaching and learning opportunities so that they will achieve their full potential. I was thrilled to share the excitement of a sneak peek at these near-complete facilities with local students, yet I am even more excited that soon I will join the minister and school community for the official opening of the new building. Congratulations to all involved in the project—we are nearly done with stage 1!

**BRIAN WHEATLEY****Mr J BULL (Sunbury)**

I rise to express my condolences on the passing of Brian Wheatley. Brian was a life member of the ALP and a tireless advocate for his local community. He was a well-known, long-time resident of Gladstone Park, never shy to say hello to the locals and never shy to speak up about the things that were important to him and his community.

For many our memories of Brian will be his sage advice and his storytelling. I extend my deepest sympathy to his friends and family at this sad time. He will be sorely missed.

**BULLA TENNIS CLUB****Mr J BULL (Sunbury)**

We are building a brand-new pavilion for the Bulla Tennis Club, a vital space for the Bulla community to come socialise and enjoy. This new pavilion replaces one that is over 40 years old. This fantastic project received \$300 000 from the Andrews Labor government Growing Suburbs Fund and an additional \$300 000 from Hume City Council.

Facilities will feature a social room, a large outdoor deck area, office, storeroom, bar, commercial kitchen, female and male bathrooms, and be accessible for everyone. It will complement the four newly resurfaced synthetic tennis courts, cricket pitch and vast areas of public open space here at Bulla Reserve.

Not only will it provide more space for the tennis club but also the wider community, with the ability to host a variety of social and recreational events. I am proud of our commitment to this project and very much look forward to its completion in mid-2020.

**RED ROCK CHRISTIAN COLLEGE****Mr J BULL (Sunbury)**

Wednesday last week, I had the pleasure of visiting Red Rock Christian College in Sunbury. Red Rock is one of our fantastic local schools, working hard to deliver terrific teaching and learning. It was fantastic to meet some of the students and talk about life as a local MP.

A big thank you to the amazing principal, Karen McCoy, who was able to show me around the school, share her thoughts on education in this state and discuss some exciting new opportunities.

**AMERICAN SOCIAL****Mr J BULL** (Sunbury)

Last week I was also pleased to attend the official opening of American Social, a new local eatery in Sunbury. It is fantastic to see new local businesses open up, creating jobs and new opportunities in Sunbury, a growing community. Nevertheless, businesses are doing it tough through these uncertain and challenging times.

I implore members to support local businesses and encourage constituents to do the same when and where they can.

**CASA D'ABRUZZO CLUB****Ms HALFPENNY** (Thomastown)

I had the great pleasure of attending a dinner at the Epping Casa D'Abruzzo Club to celebrate with members and friends the 38th anniversary of the club's home on the Epping site. The Casa D'Abruzzo Club is held in very high regard in our area. It has great food in the bistro and a competition standard bocce stadium. I am lucky to have an ongoing invitation to the junior international championships each year, hosted by Casa D'Abruzzo.

The contribution the club makes to the northern suburbs is substantial. It has built and maintains tennis and bocce courts, supports the Whittlesea Ranges Football Club and sponsors a number of sporting clubs in the electorate. In addition, the club also promotes the social wellbeing of elderly citizens, encouraging and allowing them to use their function rooms to hold events and social gatherings.

The Northern Hospital fundraiser is also held at the club, where the club covers the cost of the venue and catering at no fee for the hospital to raise funds of up to \$100 000. I would like to congratulate the current president, Fernando Cardinale, who has served in this capacity for 18 years, and former presidents who have continued to build this club to the reputation it is today and for the future.

**Adjournment***Published under resolution of house of 18 March***COVID-19****Mr NEWBURY (Brighton) (2315)**

My adjournment is to the Premier, and the action I seek is for the Victorian government to urgently announce a stimulus package that supports business and protects jobs.

We represent Victoria. We are their voices. Over recent days, members from all sides of the chamber have stood to acknowledge that the current health crisis (coronavirus/COVID-19) is causing a breakdown in our way of life.

Our borders have closed, and we are grounded from travel. Our markets have slid to the point that required ASIC to intervene in an unprecedented way and ensure equity markets remain resilient.

In our local communities we are seeing devastating social and economic impacts in our streets and upon our neighbours in a way that has not been witnessed since wartime.

Before the sun rose today there were hundreds of the most frail and disabled people in our community lining up in the cold outside supermarkets—many of whom did not leave with the basics they desperately need.

One disabled constituent, Maya, wrote to me to say, ‘On behalf of many disable and elderly people ... can you tell me who would be able to go to shopping at 7.00 am? People who have carers who started working at 8.00 am’.

Maya’s words have been echoed by a major Bayside disability support organisation that cares for hundreds of disabled people, who have warned me that their clients have run out of essential services and are unable to shop for themselves. They face social isolation and do not know how they will access the basic necessities they need today.

Another constituent, Bronwyn, wrote to me pleading for those missing out on essential services, ‘Please come up with a way of ensuring the humanity in this area can be utilised and we can really come together as a community’. And that we must, ‘Do something that is constructive and shows humanity in a time like this where real leaders are thin on the ground’.

The government must urgently intervene to ensure necessary supplies are available. That will require addressing the supply chain to allow businesses to stock and ensuring that the workforce in those businesses are safe. It will also require acting on price gouging and stopping the vile minority taking advantage of this crisis. This Parliament must ensure that people have access to basic needs.

It is not only individuals that are suffering. Businesses, especially small businesses, are forecasting drastic measures in a way that this country has not seen in our lifetimes. Last week many were reporting a 30 per cent collapse in revenue. This week some are predicting it being closer to 50 per cent. Front-facing business, especially in retail and hospitality, are already scaling back staff as their revenues slide well under the cost of overheads.

One small business has written to me predicting, ‘If the situation deteriorates further ... this will be too late for myself and many others to avoid defaults on all range of obligations including to payments to our staff, landlords and suppliers on credit terms’.

Another business has said they ‘simply cannot afford the lack of cash flow in the current crisis’. And that ‘government must help such situations to ensure employees can remain in work’.

And yet another that, ‘This week I have lost over 50 per cent of my regular business due to suspensions and exclusions’. And, ‘Our casual and part-time workforce has now been forced into near redundancy’.

A similar sentiment is coming from larger businesses too. A significant company in its industry has written to me calling for, ‘Business needs payroll tax relief; we need an incentive to keep people on the payroll during the downturn. We need rate and utilities relief’.

These calls are being heard across the country. And every state government has listened and intervened to support business and protect workers—every state government except the Victorian government.

When asked this week why this government has not intervened, the Treasurer said he was ‘monitoring’. When asked a day later he said businesses are facing their very ‘survival’ and that he is not only ‘monitoring’, he is also ‘talking’. A day later the Premier said that government departments are having ‘conversations’.



While the Premier and Treasurer monitor, talk, and have conversation, every other state has introduced targeted measures. Every other state has acted in acknowledgement that businesses are facing their very survival and many in our workforce are facing the loss of their job—every single state except our own.

The New South Wales government has announced a \$2.3 billion health boost and economic stimulus package. Elements include:

- \$700 million extra funding for New South Wales Health;
- \$450 million for the waiver of payroll tax;
- \$56 million to bring forward the next round of payroll tax cuts;
- \$80 million to waive a range of fees and charges for small businesses.

The Queensland government has announced a \$500 million loan facility, which is interest free for the first 12 months, to support businesses. That package also includes an extension of a six-month payroll tax deferral to all affected businesses.

The South Australian government has announced a \$350 million package which comprises major infrastructure maintenance projects, new tourism infrastructure and an Economic and Business Growth Fund.

The Western Australian government's \$607 million stimulus package includes:

- \$402 million to freeze household fees and charges, which they have described as the entire 'household basket';
- the freeze will apply to electricity, water, motor vehicle charges, emergency services levy and public transport fares;
- \$114 million in additional measures to support small business;
- a one-off grant of \$17 500 to small businesses that pay payroll tax;
- \$1 million payroll tax threshold to be brought forward by six months;
- and affected business can defer payroll tax payments.

And finally, the Tasmanian government has prepared a \$420 stimulus package comprised of household assistance, support for primary health and mental health sectors, assistance for small business, assistance for local government and targeted industry assistance.

My concern is that this government has built our budget like a house of cards. And what we will see is that an unforeseen economic shock will cause that house of cards to collapse because the budget lacks core structural integrity.

When the quarterly financial report for the September 2019 quarter was released it showed Labor's budgetary position was already in the red, posting a \$805 million deficit only three months into the financial year. The Treasurer described the budget at that time as: 'holding up quite nicely' and that looking at the figures would be 'a trap for young players'.

In early March, before the second quarterly results were released, the Treasurer told Victorians they had nothing to worry about. He said, 'What I can say is that we've had some pretty solid figures'.

A week later, when the quarterly financial report for the December 2019 quarter was released, the truth was exposed, when it revealed that Labor's budgetary position was a staggering \$1.1 billion-dollar deficit.

It proves that Labor's house of cards budget had collapsed before the devastating bushfires and before the current health crisis.

It concerns me that the financial controller of our state made statements in March, a week before the results were released, that could not have been made by a corporate entity to the market. Corporates are outlawed from knowingly and deliberately misleading the market.

And only today we saw the government hide the budget by scrapping the scheduled budget day.

We are seeing a crisis that is causing breakdown in a way that has not been witnessed since wartime. And we know that our budgetary position is built on a house of cards. But despite that, the Victorian government must urgently announce a stimulus package that will support business and protect jobs. Our community is desperately in need of intervention.

## STUDENT MENTAL HEALTH

**Mr McGuire** (Broadmeadows) (2316)

My adjournment request is to the Minister for Education. The action I seek is an update from the minister on when students in the Broadmeadows electorate will benefit from the Andrews Labor government's plans to put mental health workers in every Victorian government secondary school.

The Victorian government is employing mental health professionals in government schools to give students the support they need.

The program will employ more than 190 qualified mental health professionals across the state, including psychologists, social workers and mental health nurses.

The mental health practitioners will offer counselling and early intervention services, as well as coordinating support for students with complex needs, linking to broader allied community and health services.

Every government secondary school will receive between one and five days a week of support from a mental health practitioner depending on its size, requirements and existing welfare programs. By 2022 every Victorian government secondary school campus will have appointed a mental health practitioner.

The Labor government will also partner with the Orygen National Centre of Excellence in Youth Mental Health to promote student wellbeing within secondary schools.

This program builds on the Labor government's \$65.5 million investment in student health and wellbeing initiatives in all schools, including the Victorian anti-bullying and mental health initiative, the school-wide positive behaviour support program, as well as increased investment in allied health and nursing services.

## COVID-19

**Mr Battin** (Gembrook) (2317)

My adjournment matter is for the Premier, and the action I seek is for the Premier to meet with local business groups in the south-east and outline the current position for a stimulus package to support Victorian businesses.

In the Gembrook electorate many businesses are struggling already, and they are concerned the impact will be far more significant over the coming months. The travel industry has had direct and immediate impacts with the loss of trade, having to refund most customers and the workload increasing with a need to support many in cancelling or moving flights and accommodation.

The impact on small travel business means they are earning no income at this stage but working many extra hours.

In Berwick trade has slowed, with restaurants, cafes, retail and services seeing revenue drop and the need to reduce casual hours immediately and reviewing part-time and full-time positions. It is more important than ever that the state government work on a package to support these businesses; it is about jobs and people's ability to pay staff and keep the door open.

Premier, as the local member for Gembrook, I speak on behalf of all my businesses across the electorate when I say we are hurting, as we understand many across the state are. I am ready to work with you on an outcome that gives confidence to the community and prepares Victoria for recovery to lessen the impact on the people we are elected to represent.

Added to this is the major concern for school camp groups who have had all camps cancelled at short notice and no confirmation of payments for services booked by contract. A package to support these businesses would assist with protecting many jobs for the future.

## GROWING SUBURBS FUND

**Ms Ward** (Eltham) (2318)

My adjournment matter is for the Minister for Local Government in the other place, and the action I seek is a briefing on the status of Growing Suburbs Fund projects in the Shire of Nillumbik.

Minister, the member for Yan Yean and I had the delight of recently attending the sod turn for the new netball pavilion in Diamond Creek, important infrastructure needed by this community that was funded by the Growing Suburbs Fund in 2017.

Nillumbik has been extremely lucky to have received over \$22 million in growing suburbs funding towards much-needed community infrastructure—the most recent funding announcement in Nillumbik is for additional tennis courts, for which I thank the minister very much.

Minister, can you please provide me with a briefing regarding the status of Growing Suburbs Fund projects in the Shire of Nillumbik?

### AVID SCHOOL PROGRAM

**Mr McGHIE** (Melton) (2319)

My adjournment debate is to the Minister for Education, and the action I seek from the minister is to meet with me in my electorate of Melton at Kurunjang Primary and Kurunjang Secondary College to see firsthand the benefits of the AVID program in helping boost their academic results and successfully transition into students' next step of their education journey.

My electorate in Melton is an area where significant social and economic disadvantage can have lifelong impacts on students.

AVID's mission is to close the achievement and opportunity gaps—encouraging participation, questioning, collaborative problem-solving and note-taking strategies to aid in the learning and retention of information.

Ninety-eight per cent of AVID students graduate from high school.

Aussie AVID schools have seen a 30 per cent increase in student enrolments to university.

AVID improves academic performance regardless of student background and enables a level playing field for schools and students from diverse backgrounds.

The leadership and teaching staff at both Kurunjang primary and secondary schools have actively encouraged this innovative project and see fantastic results.

Boosting the academic results of students regardless of their background or disadvantage is a worthwhile cause, and I encourage the minister to see these benefits of this program in my electorate.

### MORWELL AND MOE AMBULANCE STATIONS

**Mr NORTHE** (Morwell) (2320)

My adjournment matter is directed to the Minister for Ambulance Services in the other place.

The action that I seek from the minister is for her to communicate with people in the Latrobe Valley as to when construction on the proposed new Morwell and Moe ambulance stations will commence.

The status of these ambulance stations is still unknown despite previous government assurances and commitments they would be constructed and operational in 2019!

During the 2018 election campaign a new Morwell ambulance branch was committed to open late 2019.

At the time the minister was quoted as saying:

“The Andrews Labor government is building a cutting-edge ambulance station for Morwell paramedics to ensure they have the safe, modern facilities they deserve – and patients get faster care when they need it,” Ambulance Services Minister Jill Hennessy said.

Ms Hennessy also said at this time that ‘planning and design works were underway’. The minister was in Traralgon in September 2018 to officially open the new ambulance station at Traralgon and announced then that the government had bought land on Narracan Drive, Moe, to build a new branch. No official announcements were made for Morwell, but rather many local residents found out about the build after walking past the site and noticing a sign out the front stating it would be the ‘Home of your new Morwell ambulance branch—opening 2019’.

Within the article there is actually a photo of the huge sign saying, ‘your new Morwell Ambulance branch—opening 2019’. But the reality is this site continues to be vacant.

I wrote to the Minister for Ambulance Services about the status of the proposed Morwell and Moe ambulance stations in November 2019 only to be told that the new ‘Morwell and Moe ambulance stations are currently in the design and planning phase’, which is precisely what Minister Hennessey informed my electorate during her visit 12 months prior. How on earth can these two stations go from supposedly being constructed and operational in 2019 to in 2020 being at the design and planning phase?

Local paramedics, who do a sensational job serving our community, deserve to know just what has happened to these projects. Having been promised new stations, the minister and the government must provide clear

and concise detail to our hardworking ambulance officers as to when these great commitments will be honoured.

In closing, the action that I seek from the minister is for her to communicate with people in the Latrobe Valley as to when construction on the proposed new Morwell and Moe ambulance stations will actually commence.

### **PRESTON LEVEL CROSSING REMOVALS**

**Ms THEOPHANOUS** (Northcote) (2321)

My adjournment matter is for the Minister for Transport Infrastructure, and I ask that the minister provides my community with an update on the latest information on the level crossing removal project at Preston.

Minister, my community has seen the benefit of level crossing removals as the Grange Road crossing in Alphington was one of the first tranche of crossings to be removed. Together with the brand-new Chandler Highway bridge, the Grange Road level crossing removal has completely changed the way locals move around and unlocked Melbourne's worst traffic hotspot.

With that in mind, my community is keen to hear of progress relating to the removal of the crossings at Oakover Road and Bell Street in my electorate, as well as Cramer Street and Murray Road.

The four crossings form part of the expanded 75 level crossings to be removed across the state. About 82 000 vehicles go through these four crossings each day, with Bell Street accounting for 52 000 of those journeys.

Minister, my community is keen to see the back of these crossings and excited for what is to come, they are keen to hear of an update and to get the latest information regarding the project.

### **PASCOE VALE ELECTORATE SCHOOLS**

**Ms BLANDTHORN** (Pascoe Vale) (2322)

My adjournment matter is for the attention of the Minister for Education, and the action I seek is that the minister update me on the progress of the building projects at Corpus Christi Primary School in Glenroy, St Paul's Primary School in Coburg and St Fidelis Primary School in Moreland.

All three of these projects are receiving funding from the Andrews Labor government.

These low-fee, faith-based schools provide first-class educational opportunities to local kids from Glenroy, Coburg, Pascoe Vale South and surrounding suburbs. However, all three schools have challenges caused by ageing facilities.

Each of these school communities was incredibly appreciative of the funding allocation that they received. Each of these school communities is extremely excited about the renewal of their facilities.

I am keen to receive an update on how these projects are progressing.