

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-NINTH PARLIAMENT**

**FIRST SESSION**

**TUESDAY, 5 APRIL 2022**

[hansard.parliament.vic.gov.au](https://hansard.parliament.vic.gov.au)

By authority of the Victorian Government Printer



## **The Governor**

The Honourable LINDA DESSAU AC

## **The Lieutenant-Governor**

The Honourable JAMES ANGUS AO

## **The ministry**

Premier. ....	The Hon. DM Andrews MP
Deputy Premier, Minister for Education and Minister for Mental Health	The Hon. JA Merlino MP
Attorney-General and Minister for Emergency Services .....	The Hon. J Symes MLC
Minister for Transport Infrastructure and Minister for the Suburban Rail Loop .....	The Hon. JM Allan MP
Minister for Training and Skills and Minister for Higher Education ....	The Hon. GA Tierney MLC
Treasurer, Minister for Economic Development and Minister for Industrial Relations.....	The Hon. TH Pallas MP
Minister for Child Protection and Family Services and Minister for Disability, Ageing and Carers .....	The Hon. AR Carbines MP
Minister for Public Transport and Minister for Roads and Road Safety .	The Hon. BA Carroll MP
Minister for Energy, Environment and Climate Change and Minister for Solar Homes .....	The Hon. L D’Ambrosio MP
Minister for Health, Minister for Ambulance Services and Minister for Equality .....	The Hon. MP Foley MP
Minister for Ports and Freight, Minister for Consumer Affairs, Gaming and Liquor Regulation and Minister for Fishing and Boating .....	The Hon. MM Horne MP
Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice and Minister for Victim Support .....	The Hon. NM Hutchins MP
Minister for Local Government, Minister for Suburban Development and Minister for Veterans .....	The Hon. SL Leane MLC
Minister for Water and Minister for Police. ....	The Hon. LM Neville MP
Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events and Minister for Racing .....	The Hon. MP Pakula MP
Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services and Minister for Creative Industries .....	The Hon. DJ Pearson MP
Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business and Minister for Resources.....	The Hon. JL Pulford MLC
Minister for Multicultural Affairs, Minister for Community Sport and Minister for Youth .....	The Hon. RL Spence MP
Minister for Workplace Safety and Minister for Early Childhood .....	The Hon. I Stitt MLC
Minister for Agriculture and Minister for Regional Development .....	The Hon. M Thomas MP
Minister for Prevention of Family Violence, Minister for Women and Minister for Aboriginal Affairs.....	The Hon. G Williams MP
Minister for Planning and Minister for Housing .....	The Hon. RW Wynne MP
Cabinet Secretary .....	Ms S Kilkenny MP

## **Legislative Council committees**

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

Mr Barton, Mr Erdogan, Mr Finn, Mr Gepp, Mrs McArthur, Mr Quilty and Mr Tarlamis.

*Participating members:* Dr Bach, Ms Bath, Dr Cumming, Mr Davis, Mr Limbrick, Ms Lovell, Mr Meddick, Mr Ondarchie, Mr Rich-Phillips, Ms Shing, Ms Vaghela and Ms Watt.

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

Dr Bach, Ms Bath, Dr Cumming, Mr Grimley, Mr Hayes, Mr Meddick, Mr Melhem, Dr Ratnam, Ms Terpstra and Ms Watt.

*Participating members:* Ms Burnett-Wake, Ms Crozier, Mr Davis, Dr Kieu, Mrs McArthur, Mr Quilty and Mr Rich-Phillips.

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

Ms Burnett-Wake, Ms Garrett, Dr Kieu, Ms Maxwell, Mr Ondarchie, Ms Patten and Ms Taylor.

*Participating members:* Dr Bach, Mr Barton, Ms Bath, Ms Crozier, Dr Cumming, Mr Erdogan, Mr Gepp, Mr Grimley, Mr Limbrick, Ms Lovell, Mr Quilty, Dr Ratnam, Ms Shing, Mr Tarlamis, Ms Terpstra and Ms Vaghela.

### **Privileges Committee**

Mr Atkinson, Mr Bourman, Mr Davis, Mr Grimley, Mr Leane, Mr Rich-Phillips, Ms Shing, Ms Symes and Ms Tierney.

### **Procedure Committee**

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

## **Joint committees**

### **Dispute Resolution Committee**

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

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

### **Electoral Matters Committee**

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

*Assembly:* Ms Hall, Dr Read and Mr Rowswell.

### **House Committee**

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

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

### **Integrity and Oversight Committee**

*Council:* Mr Grimley and Ms Shing.

*Assembly:* Mr Halse, Mr Rowswell, Mr Taylor, Ms Ward and Mr Wells.

### **Pandemic Declaration Accountability and Oversight Committee**

*Council:* Mr Bourman, Ms Crozier, Mr Erdogan and Ms Shing.

*Assembly:* Mr J Bull, Ms Kealy, Mr Sheed, Ms Ward and Mr Wells.

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

*Council:* Mrs McArthur, Mr Barton and Ms Taylor.

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

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

*Council:* Mr Gepp, Ms Patten, Ms Terpstra and Ms Watt.

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

## **Heads of parliamentary departments**

*Assembly:* Clerk of the Legislative Assembly: Ms B Noonan

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

*Parliamentary Services:* Secretary: Mr P Lochert

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

**President**

The Hon. N ELASMAR (from 18 June 2020)

The Hon. SL LEANE (to 18 June 2020)

**Deputy President**

The Hon. WA LOVELL

**Acting Presidents**

Mr Bourman, Mr Gepp, Mr Melhem and Ms Patten

**Leader of the Government**

The Hon. J SYMES

**Deputy Leader of the Government**

The Hon. GA TIERNEY

**Leader of the Opposition**

The Hon. DM DAVIS

**Deputy Leader of the Opposition**

Ms G CROZIER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Maxwell, Ms Tania Maree	Northern Victoria	DHJP
Bach, Dr Matthew <sup>1</sup>	Eastern Metropolitan	LP	Meddick, Mr Andy	Western Victoria	AJP
Barton, Mr Rodney Brian	Eastern Metropolitan	TMP	Melhem, Mr Cesar	Western Metropolitan	ALP
Bath, Ms Melina Gaye	Eastern Victoria	Nats	Mikakos, Ms Jenny <sup>6</sup>	Northern Metropolitan	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Donohue, Mr Edward John <sup>7</sup>	Eastern Victoria	LP
Burnett-Wake, Ms Cathrine <sup>2</sup>	Eastern Victoria	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Patten, Ms Fiona Heather	Northern Metropolitan	FPRP
Cumming, Dr Catherine Rebecca	Western Metropolitan	Ind	Pulford, Ms Jaala Lee	Western Victoria	ALP
Dalidakis, Mr Philip <sup>3</sup>	Southern Metropolitan	ALP	Quilty, Mr Timothy	Northern Victoria	LDP
Davis, Mr David McLean	Southern Metropolitan	LP	Ratnam, Dr Samantha Shantini	Northern Metropolitan	Greens
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Erdogan, Mr Enver <sup>4</sup>	Southern Metropolitan	ALP	Shing, Ms Harriet	Eastern Victoria	ALP
Finn, Mr Bernard Thomas Christopher	Western Metropolitan	LP	Somyurek, Mr Adem <sup>8</sup>	South Eastern Metropolitan	Ind
Garrett, Ms Jane Furneaux	Eastern Victoria	ALP	Stitt, Ms Ingrid	Western Metropolitan	ALP
Gepp, Mr Mark	Northern Victoria	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Grimley, Mr Stuart James	Western Victoria	DHJP	Tarlamis, Mr Lee <sup>9</sup>	South Eastern Metropolitan	ALP
Hayes, Mr Clifford	Southern Metropolitan	SAP	Taylor, Ms Nina	Southern Metropolitan	ALP
Jennings, Mr Gavin Wayne <sup>5</sup>	South Eastern Metropolitan	ALP	Terpstra, Ms Sonja	Eastern Metropolitan	ALP
Kieu, Dr Tien Dung	South Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vaghela, Ms Kaushaliya Virjibhai <sup>10</sup>	Western Metropolitan	Ind
Limbrick, Mr David	South Eastern Metropolitan	LDP	Watt, Ms Sheena <sup>11</sup>	Northern Metropolitan	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Wooldridge, Ms Mary Louise Newling <sup>12</sup>	Eastern Metropolitan	LP
McArthur, Mrs Beverley	Western Victoria	LP			

<sup>1</sup> Appointed 5 March 2020

<sup>2</sup> Appointed 2 December 2021

<sup>3</sup> Resigned 17 June 2019

<sup>4</sup> Appointed 15 August 2019

<sup>5</sup> Resigned 23 March 2020

<sup>6</sup> Resigned 26 September 2020

<sup>7</sup> Resigned 1 December 2021

<sup>8</sup> ALP until 15 June 2020

<sup>9</sup> Appointed 23 April 2020

<sup>10</sup> ALP until 7 March 2022

<sup>11</sup> Appointed 13 October 2020

<sup>12</sup> Resigned 28 February 2020

**Party abbreviations**

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

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

LDP—Liberal Democratic Party; LP—Liberal Party; Nats—The Nationals;

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



# CONTENTS

---

ANNOUNCEMENTS	
Acknowledgement of country .....	1101
BILLS	
Justice Legislation Amendment (Trial by Judge Alone and Other Matters) Bill 2022 .....	1101
Livestock Management Amendment (Animal Activism) Bill 2021 .....	1101
Regulatory Legislation Amendment (Reform) Bill 2021 .....	1101
Royal assent .....	1101
Conservation, Forests and Lands Amendment Bill 2022 .....	1101
Royal assent .....	1101
JOINT SITTING OF PARLIAMENT	
Senate vacancy .....	1101
MEMBERS	
Minister for Workplace Safety .....	1102
Absence .....	1102
QUESTIONS WITHOUT NOTICE AND MINISTERS STATEMENTS	
Police resources .....	1102
Offender electronic monitoring .....	1102
Ministers statements: emergency services workers .....	1103
Fire services .....	1103
Public transport accessibility .....	1104
Ministers statements: Coburg infrastructure projects .....	1105
Emergency Management Victoria .....	1105
COVID-19 vaccination .....	1106
Ministers statements: Connecting Victoria .....	1107
Emergency Services Telecommunications Authority .....	1107
East Gippsland floods .....	1108
Ministers statements: Geelong trades training .....	1108
Written responses .....	1109
CONSTITUENCY QUESTIONS	
Western Victoria Region .....	1109
Southern Metropolitan Region .....	1109
Western Metropolitan Region .....	1110
Eastern Victoria Region .....	1110
South Eastern Metropolitan Region .....	1110
Western Metropolitan Region .....	1110
Northern Victoria Region .....	1111
Northern Metropolitan Region .....	1111
Southern Metropolitan Region .....	1111
Western Victoria Region .....	1111
Western Metropolitan Region .....	1112
Northern Victoria Region .....	1112
Southern Metropolitan Region .....	1112
Eastern Victoria Region .....	1112
Eastern Metropolitan Region .....	1113
PETITIONS	
Breast screening .....	1113
Hanging Rock precinct development .....	1113
Koala habitat loss .....	1113
Medicinal cannabis .....	1114
COMMITTEES	
Scrutiny of Acts and Regulations Committee .....	1115
Alert Digest No. 5 .....	1115
Economy and Infrastructure Committee .....	1115
Inquiry into the Multi Purpose Taxi Program .....	1115
Public Accounts and Estimates Committee .....	1117
Inquiry into Auditor-General's Report No. 253: Managing School Infrastructure (2017) .....	1117
Report on the 2020–21 Financial and Performance Outcomes .....	1117
PAPERS	
Papers .....	1117
BUSINESS OF THE HOUSE	
Notices .....	1118
General business .....	1118

COMMITTEES	
Parliamentary committees .....	1118
Membership .....	1118
JOINT SITTING OF PARLIAMENT	
Senate vacancy.....	1119
Victorian Responsible Gambling Foundation .....	1119
MEMBERS STATEMENTS	
Elective surgery .....	1119
Tina Hatzopoulos.....	1120
Firefighter state championships .....	1120
Shepparton ACE Secondary College .....	1120
Federal election.....	1121
COVID-19.....	1121
Koonwarra Memorial Park .....	1121
Commercial passenger vehicle industry.....	1122
Harold Bould/Wilma Young (Cardinia) Kokoda Award .....	1122
Suburban Rail Loop .....	1122
BUSINESS OF THE HOUSE	
Notices of motion .....	1123
BILLS	
Puffing Billy Railway Bill 2022 .....	1123
Second reading.....	1123
Justice Legislation Amendment (Fines Reform and Other Matters) Bill 2022.....	1149
Second reading.....	1149
Puffing Billy Railway Bill 2022 .....	1156
Second reading.....	1156
Committee.....	1158
Third reading.....	1162
ADJOURNMENT	
Family violence .....	1162
Public records.....	1163
Animal welfare .....	1163
Flu vaccination.....	1164
Knife crime.....	1164
Electric vehicles.....	1165
Malvern Road tram track maintenance .....	1166
COVID-19.....	1166
Sex education .....	1167
Rutherglen floods .....	1168
On-demand workforce .....	1168
Youth mental health .....	1169
Hanging Rock precinct development .....	1169
South Eastern Metropolitan Region mobile phone services .....	1170
Youth justice system .....	1171
Responses .....	1171



**Tuesday, 5 April 2022**

**The PRESIDENT (Hon. N Elasmr) took the chair at 11.33 am and read the prayer.**

**Announcements**

**ACKNOWLEDGEMENT OF COUNTRY**

**The PRESIDENT (11:34):** On behalf of the Victorian state Parliament I acknowledge the Aboriginal peoples, the traditional custodians of this land which has served as a significant meeting place of the First People of Victoria. I acknowledge and pay respect to the elders of the Aboriginal nations in Victoria past, present and emerging and welcome any elders and members of the Aboriginal communities who may visit or participate in the events or proceedings of the Parliament.

**Bills**

**JUSTICE LEGISLATION AMENDMENT (TRIAL BY JUDGE ALONE AND OTHER MATTERS) BILL 2022**

**LIVESTOCK MANAGEMENT AMENDMENT (ANIMAL ACTIVISM) BILL 2021**

**REGULATORY LEGISLATION AMENDMENT (REFORM) BILL 2021**

*Royal assent*

**The PRESIDENT (11:34):** I have a message from the Governor, dated 29 March:

The Governor informs the Legislative Council that she has, on this day, given the Royal Assent to the undermentioned Act of the present Session presented to her by the Clerk of the Legislative Assembly:

**11/2022** Justice Legislation Amendment (Trial by Judge Alone and Other Matters) Act 2022

**12/2022** Livestock Management Amendment (Animal Activism) Act 2022

**13/2022** Regulatory Legislation Amendment (Reform) Act 2022

**CONSERVATION, FORESTS AND LANDS AMENDMENT BILL 2022**

*Royal assent*

**The PRESIDENT (11:35):** I have another message from the Governor, dated 5 April:

The Governor informs the Legislative Council that she has, on this day, given the Royal Assent to the undermentioned Act of the present Session presented to her by the Clerk of the Parliaments:

**14/2022** Conservation, Forests and Lands Amendment Act 2022

**Joint sitting of Parliament**

**SENATE VACANCY**

**The PRESIDENT (11:36):** I remind the house that on Tuesday, 22 March 2022, I announced the receipt of a letter advising of a vacancy in the Senate following the death of Senator the Honourable Kimberley Kitching. I have now also received a letter from the state secretary of the Victorian branch of the Australian Labor Party advising that they have selected a person to be nominated to fill the vacant seat.

Before we start question time, I would like to wish Mr Meddick a happy birthday. Happy birthday, Mr Meddick.

**Members****MINISTER FOR WORKPLACE SAFETY***Absence*

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:36): For the house's information, Ms Stitt will not be in the house this week, so I will represent all of her substantive portfolios and her representing portfolios.

**Questions without notice and ministers statements****POLICE RESOURCES**

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (11:37): My question is to the Minister for Emergency Services. I refer to the state government modelling revealed in the *Herald Sun* today that shows Victoria Police faces a staffing crisis with an extra 1500 frontline officers needed, and I ask, therefore, the Minister for Emergency Services: given the critical role Victoria Police plays in emergency responses, including coordination, does the government have any assessments of the impact of this shortage on responses in emergencies, and if not, why not?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:38): I thank Mr Davis for his question. It is a bit of a stretch to try and put this in my portfolio responsibilities. It is a very specific question in relation to police resourcing, which is a matter for the Minister for Police. However, I would take the opportunity to thank Victoria Police for the efforts and assistance that they continually provide to the areas in my responsibility, those being emergency services. This government has a very strong record in investing in police, supporting their needs, and will continue to do so.

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (11:38): I notice that the minister did not want to address the important coordination role that police play in emergency services. I ask, therefore: surely, Minister, given the critical role, the central role, of police in our emergency response, isn't it a fact that the critical shortage will leave our emergency response to fire, flood, terrorism and indeed pandemic deficient?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:39): As I expressed in my answer to your previous question, this government has a strong record in supporting police, adding police numbers and providing them with the resources that they require to do their job. Emergency Management Victoria are the body that is responsible for coordination, and they deal with all of our emergency services personnel and related agencies, including Victoria Police, and have done a fantastic job in responding to emergencies in recent times. I thank them for that ongoing work, and I expect that it will continue. None of us like to have emergencies face our state. We are all seeing what is happening in New South Wales, which is devastating, and of course I will go a little bit later to the support that we have been able as a state to provide to relieve the efforts in New South Wales. We have got Victoria Police, FRV, SES and CFA personnel going up to New South Wales to help, and that is not causing any concern to our ability to manage the risks that we have in our own state.

**OFFENDER ELECTRONIC MONITORING**

**Ms MAXWELL** (Northern Victoria) (11:40): My question is to the Minister for Prevention of Family Violence in the other place, following the \$20 million promised by the federal government to launch pilot programs in states and territories for electronic monitoring of serious family violence perpetrators. This funding was announced on 18 March by the federal Minister for Women and follows the successive Tasmanian trial of electronic monitoring of family violence perpetrators, called Project Vigilance. The evaluation of the trial showed a substantial reduction in high-risk behaviour such as stalking, assault and making threats. Minister, can the government confirm if it will accept this funding from the federal government and launch a similar trial in Victoria?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:40): I thank Ms Maxwell for her question. It will require a response from Minister Williams via Minister Stitt, who I am representing, and we will get an answer for you as quickly as possible.

**Ms MAXWELL** (Northern Victoria) (11:41): Thank you, Attorney. The evaluation of the Tasmanian trial suggested including perpetrators who were identified to have engaged in above-average breaches of intervention orders and those who stalk their victims. In the absence of current electronic monitoring of those perpetrators, could the minister advise what monitoring is in place now to help keep families safe and perpetrators accountable?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:41): I thank Ms Maxwell for her question. Whilst I will pass on your question to the minister, I can advise that there is a Victorian Law Reform Commission interim report in relation to stalking. You would have seen media reports yesterday of some of the work that police are doing in relation to that issue, making it easier for victims, through pilots, to report this conduct. This will be a topic that will be well canvassed in coming days in advance of a final report into stalking, which, as you know, is due midyear. Although I will get you an answer, I reckon you are just a couple of days early for some of these issues to be well canvassed.

#### MINISTERS STATEMENTS: EMERGENCY SERVICES WORKERS

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:42): I want to take the opportunity to thank our dedicated emergency services personnel and other agencies who have done a fantastic job this summer season and acknowledge that it is coming to an end. Each year our emergency services undertake extensive work to be as prepared as possible for summer, and this is an amazing undertaking and truly a team effort. This year was no different, with significant planning and preparation not only for fires but also for floods and other emergencies. I know many of the members in this house attended briefings at the start of the season.

COVID-19 has undoubtedly made this task more challenging, but our agencies and departments have really done an incredible job of keeping on top of the issues despite the pandemic. This year we had more available aircraft, a new emergency alert platform and significant work to improve cross-border preparedness. Above-average rainfall from the La Niña weather system meant that less fires and more risk from fires and storms were what we experienced. We saw the tragic floods in New South Wales and Queensland and have been reminded of how alert we need to be in our own state—with a truly amazing response, also just this weekend in the east. I do want to take the opportunity to pay my condolences upon the sad, tragic news of a death in floodwaters having been discovered this morning.

Because of our relatively mild season and extensive preparation, our personnel have been able to recently support our friends interstate, which is a fantastic effort and I really thank those that have given up their time to go and help others. The emergency services sector across Australia does work as one in a crisis, and I am extremely proud of the 47 current personnel on deployment in New South Wales and indeed all 123 staff and volunteers who have been deployed to help since March. It is an incredible effort but one I am sure none of us are surprised by.

#### FIRE SERVICES

**Ms LOVELL** (Northern Victoria) (11:44): My question is for the Minister for Emergency Services. The department's fire services reform team was supposed to have visited each of the 34 former integrated fire stations to divide the assets between the CFA and FRV brigades. Citing COVID-19, these visits were cancelled, and instead the FRV senior station officer and a representative of the United Firefighters Union conducted the inspections and allocations. The CFA brigade captain in each instance was not allowed to be part of the process. Minister, if COVID-19 was serious enough

to prevent department officials and the CFA captain from participating in each inspection, what was the health advice that showed it was perfectly fine for union representatives to be part of the process?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:45): I thank Ms Lovell for her question and indeed acknowledge that there is a lot of work still to ensure that fire services reform is rolled out across the state and in supporting our hardworking FRV and CFA personnel. In relation to the 34 integrated brigades, Mrs McArthur has asked me about these questions before. This is an ongoing task. I am expecting advice on tenancy agreements hopefully very soon—the coming days, coming weeks—which will bring to my attention any of the ones that are outstanding.

I would like to thank our implementation monitor, Niall Blair, who, like everyone, has had restrictions in relation to being able to get out and about as much as possible. He had a fantastic opportunity to speak to many volunteers at the CFA-VFBV emergency games up in Mooroopna last weekend and was able to speak face to face to a lot of volunteers. Indeed some of those brigades would have crossed over in relation to the integrated brigades.

Ms Lovell, this is reform that will be ongoing. In relation to consultation, my information is that Mr Blair has made himself very available to receive feedback to ensure that those conversations can continue. There is certainly no intention to cut out anyone from any of these discussions, and if you have got specific concerns about people that would like to have their voices heard that feel as though they have not had the opportunity, I am more than happy to facilitate that.

**Ms LOVELL** (Northern Victoria) (11:47): Obviously there was no health advice; it was just the UFU deciding. The Shadow Minister for Emergency Services in the other place has spoken to many of the co-located CFA brigades, who have all raised concerns not only that they were not allowed to be part of the process to decide what assets were allocated to them but that the United Firefighters Union was allowed. Minister, what business did the UFU have in deciding what equipment should be allocated to CFA volunteer brigades?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:47): Ms Lovell, as I said, I think I just explained in the answer to your previous question that I would encourage people with views on these issues to come forward with those views. The process of dealing with how the integrated brigades will continue into the future is an ongoing process. We are having conversations—not me personally; these are operational matters for the CFA, FRV and indeed Mr Blair.

**Ms Lovell** interjected.

**Ms SYMES**: As I said to you, if you have got a specific issue at a specific branch that you would like to bring to my attention, then I am more than happy to receive that.

**Ms LOVELL** (Northern Victoria) (11:48): I move:

That the minister's answer be taken into consideration on the next day of meeting.

**Motion agreed to.**

## PUBLIC TRANSPORT ACCESSIBILITY

**Mr BARTON** (Eastern Metropolitan) (11:49): My question today is for Minister Pulford, representing the minister for transport. We have seen protests across Victoria these past weeks as people with disabilities face inaccessibility on public transport. Many stories were shared. We heard of individuals waiting 3 hours for a taxi because the accessible V/Line carriage they had booked was not attached to the train. A local taxidriver informed the individual this happens at least twice a week. We heard of a person in a wheelchair being put in the luggage carriage of a V/Line, rocking the whole way to Melbourne, his mum standing with her arms over him to protect him from other people's

suitcases and bikes. So I ask: Minister, it has been highlighted that people with disabilities are still struggling to access public transport services; what are the government's plans to fix these issues?

**Ms PULFORD** (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (11:49): I thank Mr Barton for his question and for his advocacy around these issues. I will seek a written response from Minister Carroll for Mr Barton.

**Mr BARTON** (Eastern Metropolitan) (11:50): Thank you, Minister. For wheelchair users the Melbourne tram network is unusable on most routes and most stops. The Disability Discrimination Act 1992 requires that all tram stops must be fully compliant with the Disability Standards for Accessible Public Transport 2002 by 31 December 2022. As it stands, 73 per cent of all tram stops and 62 per cent of trams are inaccessible to people using wheelchairs, mobility aids and prams. If upgrades continue at the current rate, it has been estimated that tram stops will not be accessible until 2066. The government should apply the same commitment to making trams and trains accessible as it does to removing level crossings. My supplementary is: Minister, of the 1700 tram stops in Melbourne, how many will be accessible to people with disabilities by the end of this year?

**Ms PULFORD** (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (11:50): I thank Mr Barton for his further question. It is a very important subject. It matters to and impacts many people in the Victorian community, and I will seek a written response from Mr Carroll about the rate of those upgrades and progress on achieving that.

#### MINISTERS STATEMENTS: COBURG INFRASTRUCTURE PROJECTS

**Mr LEANE** (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (11:51): Today I would like to update the house on the new accessibility upgrades to the Coburg Library. Last week I joined the member for Pascoe Vale, Lizzie Blandthorn—a great advocate for her area—the Moreland City Council mayor and the CEO to check out the upgrades to the library and meet with library staff.

**Mr Finn** interjected.

**Mr LEANE**: We are all excited about libraries, Mr Finn. Coburg Library received over \$80 000 from the Living Libraries infrastructure program to do these works. These upgrades make significant changes to the accessibility of the library. The team at the library were able to level the floor so people in wheelchairs and with mobility issues can access new community rooms, complete with sewing stations and 3D printers for groups and also schools to come and use. They were also able to install an accessible toilet and baby change facilities for mums and dads accessing the library for great programs like story time and other great programs. Previously these facilities were not up to scratch. I spoke to a few mothers there that were very pleased with these changes.

Lizzie and I were able to have a sneak peek at the mural works the council has done through the COVIDSafe Outdoor Activation Fund. The new courtyard near Coburg station—the new station is magnificent—was officially opened to the public on Saturday, with a smoking ceremony, live music hosted by Schoolhouse Studios and activities for kids. It was great to meet the artist, Tom Civil, who has done a lot of work through Melbourne actually. It is magnificent work, and it was great to meet him and check out the magnificent mural that he did in the shadows of the level crossing removal and the fantastic new Coburg station. It is wonderful. If anyone gets a chance to see it, go and have a look.

#### EMERGENCY MANAGEMENT VICTORIA

**Ms BURNETT-WAKE** (Eastern Victoria) (11:53): My question is to the Minister for Emergency Services. Minister, why does Emergency Management Victoria continue to refuse to release the damning *Safe Landings* report when by doing so it is protecting and promoting one of the perpetrators of the abuse towards volunteers and women?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:53): Ms Burnett-Wake, to avoid misleading the house I want to make sure I am clear on the report you are referring to, so I will take your question on notice.

**Ms BURNETT-WAKE** (Eastern Victoria) (11:54): Minister, will you take immediate steps to have this report publicly released, and if not, why not?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:54): Ms Burnett-Wake, I think that my answer to your first question would probably lead to your understanding of what my answer to your next question would be. It is not something that is in my possession, and quite regularly in this chamber I get asked to release reports that I have no power to release. However, having said that, I am across the issues that you are referring to. I just want to double-check to make sure that I can give you an appropriate answer that is appropriate in all the circumstances.

### COVID-19 VACCINATION

**Mr LIMBRICK** (South Eastern Metropolitan) (11:55): My question is for the Minister for Small Business. Melbourne is once again about to host the grand prix, which attracts large numbers of international tourists, something that I imagine small business owners in the city would be very excited about. However, the government has refused to remove the vaccine passport system prior to the event happening. The Victorian coronavirus website offers official advice to tourists that they can use a copy of a paper or digital certificate issued by an overseas government authority. They will need this to get into most venues. Minister, what information has the government provided everyday small businesses about how to know if a piece of paper or image of a digital certificate a tourist presents is legitimate proof of vaccination or just a random document they made themselves?

**Ms PULFORD** (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (11:55): I thank Mr Limbrick for his question. I reckon he is right about small businesses through Melbourne being very excited about the imminent hosting of the Formula One Grand Prix. As is the case when this event is about to occur—the same with the tennis—you can really feel the energy and the excitement building around Melbourne. On the specifics around vaccine mandates, as Mr Limbrick well knows, these are matters for the health minister, and indeed for access, for entry—

*Members interjecting.*

**Ms PULFORD**: Could we just have a little shoosh? For entry to the country, these are matters for the commonwealth government. As I mentioned in the house a couple of weeks ago, I recently returned from the United States, where—what you were describing—there was an identical arrangement where people were showing their vaccine certificate if they did not have the local one, as we did not in that circumstance. You could take your bit of paper or you could take your international vaccine proof, also able to be dropped into a phone app, as we can when we now travel, as people are increasingly starting to do.

In terms of advice to small business on recognising an international certificate, I will take that part of your question on notice and provide you with some further detail about what we are doing to make sure that small businesses, particularly those that are still required to check vaccination status, their staff and their patrons can be as safe as possible in the circumstances. I will come back to you with some further information about what we are doing.

**Mr LIMBRICK** (South Eastern Metropolitan) (11:57): I thank the minister for her answer. Particularly I have heard some concerns from small businesses about foreign government issued certificates that are not in English and therefore the small business might not be able to recognise them. With this in mind, has there been any communication to small business owners that when asking tourists for vaccine passports they should be able to accept them without fear of getting fines from the

government? There are some concerns that small businesses might be receiving a fine for allowing someone in with a certificate they are not sure is valid.

**Ms PULFORD** (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (11:58): I think that is a really good question and an important question, and I would certainly want to reassure Victorian small business operators that what they need to do, as has always been the case, and what is expected is best endeavours. We do not expect small business operators to be able to ascertain whether a proof-of-vaccine certificate from 10 000 miles away has been bodgied up on the computer at home or whether it is real. But I think what small business operators can have is a high level of confidence that people have only been permitted to enter the country if they have met the very high standards that Australia is still applying for entry to the country. So I think you are talking about people being concerned about a really improbable scenario, because it is actually the point at which you board the plane where you really have to demonstrate a very, very high level of proof. Those are administered by airlines in a practical sense but settled between national governments.

#### MINISTERS STATEMENTS: CONNECTING VICTORIA

**Ms PULFORD** (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (11:59): I am very pleased to give the house an update on the progress of our government's \$550 million Connecting Victoria program, affectionately known as Connecting Vic. On Monday, 28 March, I was very pleased to announce we have committed, in partnership with NBN Co, to a faster and more reliable internet service for Victorians in 54 locations across Victoria, reaching more than 34 000 residences and around 7700 businesses. We are funding NBN to install more than 1015 kilometres of fibre across the state to improve broadband. That is more than the distance from Melbourne to Sydney and is part of a \$73 million agreement we struck with NBN Co last year.

I particularly want to highlight the upgrades that are in store for Geelong and the Barwon region. Thanks to the advocacy of local members—all fabulous local members, but I would particularly like to give a shout-out to Darren Cheeseman for his work on this—we have been able to learn about what these areas need. The people of Barwon told us they need fast and reliable internet so they do not get left behind and so they can use new technology and live their best lives. I am pleased to share that locations in and around Belmont, Corio, Geelong, East Geelong, Grovedale, Marshall, Highton, North Geelong, Geelong West, Drumcondra, Rippleside and Ocean Grove will all be receiving an NBN fibre-to-the-premises upgrade, which represents a total of over 8300 premises set to benefit from the fibre rollout, including over 900 businesses.

These upgrades will make it easier for Victorians to do the things that they need to do and also the things that they love to do: meeting up online, running their businesses, even downloading a movie. With improved internet they can expand their markets by doing business online or use online tools to learn new skills, as well as have more flexibility in how they work or learn. These are not the only upgrades in the region. I am pleased to announce that through round 2 of the commonwealth mobile network hardening program six sites in Barwon will receive a range of improvements to mobile infrastructure as well.

#### EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY

**Ms CROZIER** (Southern Metropolitan) (12:01): My question is to the Minister for Emergency Services. Minister, with all the problems known and highlighted in the past two years with calls for ambulances not being answered while people are dying, why are less than half of the new positions you announced some weeks ago being allocated to ambulance call taking and dispatch?

**The PRESIDENT:** What was the question?

**Ms CROZIER:** Why are less than half of the new positions you announced some weeks ago being allocated to ambulance call taking and dispatch?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:02): Ms Crozier, I think a lot of people in the house have got a bit used to hearing about how ESTA works. It is a complex workplace. It requires a lot of personnel. If you are a call taker, you need support from a supervisor, you need support from somebody that can ensure that your mental health and wellbeing is in check and you need people to do the rosters. You need people to do a range of things at ESTA to make sure that it can function appropriately, so we are ensuring that we are providing the resources to ESTA to ensure that they can recruit more and more call takers, but that cannot be viewed in isolation. The system will not work if you only have people to answer the phones. You need the RefCom team to allocate the dispatch of the ambulances. You need all of the other personnel—the experts, the people that have had the training—to support the system so that it can work as well as it possibly can to ensure that Victorians have confidence in a really important system. We have recruited 43 new positions. I am pleased to report in relation to the ambulance call-taking training scheme that it is well and truly booked until June, and we continue to recruit more and more people and encourage people to consider a fantastic opportunity to take up a job at ESTA.

**Ms CROZIER** (Southern Metropolitan) (12:03): Minister, thank you for that response. You spoke about what the government is doing about resourcing ESTA now, but we have not had that over the last two years, and sadly Victorians have died. Minister, what is the breakdown of the 122 new positions—how many will be ambulance call takers, how many will be ambulance dispatchers, how many will be allocated to the police and fire roles—and will you commit to releasing this information fully and publicly?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:03): Ms Crozier, you have asked me about the 120 FTE that I have recently announced through \$115 million of funding, and I can confirm that 55 will be call takers and dispatch, 12 team leaders, 21 trainers, 21 support staff and 10 managers and supervisors. This is on top of the additional 43 FTE that were funded in the 2021–22 budget and \$27.5 million in October, which provided additional support to staff.

**Ms Crozier:** On a point of order, President, I thank the minister for that response, but my question was more specific around ambulance, police and fire roles, not just the roles themselves.

**The PRESIDENT:** I cannot direct the minister on how to answer.

### EAST GIPPSLAND FLOODS

**Mr BOURMAN** (Eastern Victoria) (12:04): My question is for the minister representing the Minister for Agriculture, who I believe is Minister Tierney. In yet another blow to East Gippsland, the region is now suffering flooding, even though the effects of the previous bushfires and storms are still being felt. It seems that some farmers now may be forced to even replant crops, which is hardly ideal after all the previous natural disasters and the effects of COVID on our economy. Can the minister outline what assistance is being offered to farmers and communities in East Gippsland affected by the recent flooding?

**Ms TIERNEY** (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (12:05): I thank Mr Bourman for his question. I am actually not sure whether it is a question for the Minister for Agriculture; it may be for the Minister for Regional Development. Regardless, I will refer the matter to Minister Mary-Anne Thomas.

### MINISTERS STATEMENTS: GEELONG TRADES TRAINING

**Ms TIERNEY** (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (12:05): I am pleased to update the house on how the Andrews Labor government is building world-class training facilities in Geelong. Last week it was great to announce a \$2 million



## CONSTITUENCY QUESTIONS

Tuesday, 5 April 2022

Legislative Council

1109

investment at the Gordon's East Geelong campus to build new plumbing and carpentry workshops. This includes 21 plumbing skill bays, an outdoor plumbers sandpit and new carpentry classrooms. The facility will accommodate up to 50 per cent more students across trade courses in Geelong. It is an important investment at a time when apprenticeships are booming in Victoria.

It is this government that has proudly restored pride in trades. Whether it be the establishment of Apprenticeships Victoria and a team of apprenticeship support officers right across the state, the reintroduction of trade papers or making sure that local TAFE apprentices are building projects like the Footscray Hospital, the Warrnambool library learning hub or the North East Link, this government is ensuring that trade qualifications are delivered by experts in state-of-the-art facilities and apprentices are provided with real opportunities that will lead to a great and rewarding career.

As Geelong and the surrounding region continues to grow, so does the demand for tradespeople, and that is what this investment is all about. It is about delivering a pipeline of skilled workers for all of Victoria. The Andrews Labor government is committed to the provision of a world-class TAFE system. And we are building real opportunities that benefit communities throughout Victoria and are a true investment in our future right across our economy.

### WRITTEN RESPONSES

**The PRESIDENT** (12:07): Regarding questions and answers today: Ms Maxwell to Ms Stitt and Ms Symes in replacement, two days, question and supplementary; Mr Barton to Ms Pulford, transport, two days, question and supplementary; Ms Burnett-Wake to Ms Symes, one day, substantive question; Mr Limbrick to Ms Pulford, one day, substantive question; and Mr Bourman to Ms Tierney, two days for the question.

### Constituency questions

#### WESTERN VICTORIA REGION

**Mr GRIMLEY** (Western Victoria) (12:08): (1723) My question is to the Minister for Housing and Minister for Planning in the other place, and it concerns making residential development in regional areas more accessible, such as through an infrastructure grants program. The government have not yet agreed to a housing summit, so I am resorting to bringing ideas from the community to you in a piecemeal approach. The next instalment is a suggestion that the government should start an infrastructure grants program where they incentivise subsidies or loans for infrastructure for new residential developments, including power, water and sewerage. I have heard from the south-west councils as well as Loddon shire and many other councils that these costs are burdensome and sometimes unnecessary. For example, a residential estate in Warrnambool with fancy new lighting as prescribed by the government would actually look out of place, from what I am told. We need to look at innovative ways to get residential development happening, and government backing for this infrastructure work would, in the view of these councils and me, help immeasurably. Minister, will you explore the suggestion as an option to entice development in the regions in my electorate?

#### SOUTHERN METROPOLITAN REGION

**Ms CROZIER** (Southern Metropolitan) (12:09): (1724) I have had an email from a constituent of mine in Albert Park who lives on Kerferd Road, and Spiros has been very concerned about the new proposed bike lanes that are going through Albert Park where he lives. This question is to the Minister for Transport Infrastructure in relation to his concerns. VicRoads put out a notice the other day saying:

We're proposing to install up to 40 kms of new and improved pop-up bike routes in your area ...

and Spiros has said to me that he is concerned about Kerferd Road being a very busy thoroughfare. People come down Kerferd Road and they turn left into Beaconsfield Parade to go to the eastern suburbs, and he is very concerned about the dangers that this might pose for those people, the cyclists, but also for motorists coming out of their driveways and for the residents. So the question he would

like answered from the minister is: what considerations have been given to the changes of having a bike path along this major and busy thoroughfare, and will he respond to Spiros's concerns?

### WESTERN METROPOLITAN REGION

**Dr CUMMING** (Western Metropolitan) (12:10): (1725) My question is to the Minister for Transport Infrastructure in the other place, and it is from Carole from Footscray. Can the minister work with Melbourne Airport to ensure that the community consultation is as extensive as possible for my community? The community consultation is currently underway for the construction of a third runway at Melbourne Airport. Air noise from Tullamarine currently impacts around 1 million people, including many in the municipalities of Hume, Brimbank, Maribyrnong, Moonee Valley and Hobsons Bay in my electorate. Carole has lived in Footscray for over 30 years, and her family has experienced a deterioration in the quality of working, living and sleeping due to the steady increase in aircraft traffic. The current engagement is highly technical and primarily online and is not usable for a large number of people. Minister, could you please help my community in Melbourne's west?

### EASTERN VICTORIA REGION

**Ms BATH** (Eastern Victoria) (12:11): (1726) My question is to the Minister for Agriculture. Bendoc farmer Eddie Sellers has seen a spate of wild dog attacks on his eight-month-old lambs, with 23 lambs being viciously attacked and killed in the past two weeks. Eddie's farm borders a state forest, and it is out of these areas that these mixed wild breeds go and hunt. He acknowledges the vital work that the local dog trappers do to mitigate stock losses and indeed impact on native species and calls for trapping to be continued, but he specifically raises the importance of continued use of 1080 bait to eradicate wild dogs. Like my constituent, The Nationals oppose any suggested phase-out of legal 1080 baiting, so I call on the minister: will he commit to the continued use of 1080 used according to prescribed standards so that these wild dogs can stop that shocking destruction of stock and wild animals as well?

### SOUTH EASTERN METROPOLITAN REGION

**Mr LIMBRICK** (South Eastern Metropolitan) (12:12): (1727) My question is for the Minister for Emergency Services. My office was recently contacted by a constituent in my electorate who was concerned about air quality and how this was impacting their asthma. Interestingly, this was prior to a significant reduction in air quality due to fuel reduction burns happening in the Yarra Ranges but was still assumed to be due to the smoke. One of the concerns raised by the constituent was that there was no warning that would have allowed them to put their asthma plan into action. While many people might barely notice smoke at this distance from the burns, for severe asthma sufferers it can have a significant impact. My question for the minister is: will you look into whether it would be appropriate to expand the use of the VicEmergency app to give air quality warnings for South East Metro during fuel reduction burns in the Yarra Ranges and other areas?

### WESTERN METROPOLITAN REGION

**Mr FINN** (Western Metropolitan) (12:13): (1728) My constituency question is to the Minister for Roads and Road Safety. In asking this question I take the opportunity to commend the mayor of the City of Melton, Cr Goran Kesic, and the Melton council on being proactive on the issues that impact their residents the most. In particular I refer to the Melton council's recently launched Fix Our Roads campaign—and I see Mrs McArthur nodding furiously in agreement, as she and I both share this municipality. This campaign is in response to the government's neglect of Melton city's roads' needs. If we can extend that a little further, I would include all of Melbourne's west's roads' needs. Some of the roads of the west have remained in their original state, untouched by upgrades, despite the fact that they now service high-population areas. These roads have no hope of properly servicing the massive increase in traffic over recent years. Minister, will you take the opportunity this budget provides to give Melbourne's west road funding justice?

### NORTHERN VICTORIA REGION

**Mr QUILTY** (Northern Victoria) (12:14): (1729) My constituency question is for the Minister for Health. We are two years into this state of emergency. In Yarrawonga last week I was approached by a local who was caught up in the mandate lunacy. She is unwilling to get vaccinated or to have her children vaccinated. She contracted COVID-19 in November and was able to get an exemption from the mandates to keep her job, but this expires shortly. She has pulled her children from school and is homeschooling them and is now looking at being unable to work to support her family. Let us be clear: she is one of the lucky ones. Her employer accepted her exemption, and she has been able to continue working. Many thousands of northern Victorians have lost their jobs and their homes for failure to comply while the state struggles under a massive labour shortage. Minister, why at this stage of the pandemic, with vaccination rates at 95 per cent and with the virus running freely through our community and this place, are you forcing this woman and thousands like her out of work?

### NORTHERN METROPOLITAN REGION

**Mr ONDARCHIE** (Northern Metropolitan) (12:15): (1730) My constituency question today is for the Minister for Roads and Road Safety. Greenvale residents were thrilled and thankful that the Liberals in the federal budget have come through for them. After a long campaign by local constituent and local resident Cr Jim Overend, the Morrison Liberal government have announced they will fund the Mickleham Road duplication for \$109.5 million. Every morning and night Greenvale residents experience choked roads and frustration that traffic is just banked up, and they have had a gutful. It is time the state government stopped insulting locals and equalled the federal Liberal government commitment by commencing the duplication of Somerton Road and supporting the development of Mickleham Road. The money allocated in the 2021–22 state budget to upgrade these roads by the Victorian government did not even come close to fixing those roads, and it is just pure tokenism. Labor continues to ignore the north. My question to the minister is: will the government respect Greenvale residents and fund the duplication of Somerton Road and the support for Mickleham Road in the upcoming state budget?

### SOUTHERN METROPOLITAN REGION

**Mr HAYES** (Southern Metropolitan) (12:16): (1731) My question is to the Minister for Roads and Road Safety. Residents of Bayside have been reporting issues to do with deteriorating, ageing and unsafe roads. High volumes of traffic and congestion have in part been caused by increased traffic due to COVID changing travel patterns, but more permanent changes have arisen from an ever-increasing amount of development, or overdevelopment, in my electorate. This has caused many local road capacities to be exceeded. The residents would like to know: when will local roads and safety upgrades be given priority for funding and action that correlate to the government's push for more and more suburban development?

### WESTERN VICTORIA REGION

**Mrs McARTHUR** (Western Victoria) (12:17): (1732) My question is for the Minister for Industrial Relations and concerns the Victorian sick pay guarantee pilot. The Treasurer boasts that the \$245 million cost will be borne by the government—a typical Labor lie. The pilot will be paid for by taxpayers, and any permanent program would see businesses socked a levy. It may well be the final straw for some businesses. But I want to raise another problem brought to my attention by Cr Donnie Grigau, who runs the excellent Shelter Shed restaurant in Queenscliff and is also the outstanding Liberal candidate for Bellarine. As he notes, the scheme is effectively a significant pay rise for casual workers, who now get 25 per cent loading plus sick pay. My question is Donnie's: has the government considered the inevitable extra costs when full-time staff ask for an equivalent pay rise to maintain the existing wage ratio, and has there ever been a government which understood business less?

### WESTERN METROPOLITAN REGION

**Ms VAGHELA** (Western Metropolitan) (12:18): (1733) My constituency question is directed to the Honourable James Merlino MP, Minister for Education and Minister for Mental Health. My question relates to the portfolio responsibility of education. Western Metropolitan Region is home to some of the fastest growing regions in the country. However, there is a lack of school infrastructure in some parts of the west. Williams Landing is a suburb with many young and multicultural families. Currently the increasing population of Williams Landing is continuing to put pressure on the schools of surrounding suburbs in the inner west. Parents in Williams Landing have to send their kids to Truganina, Laverton, Point Cook or Seabrook for education. I am aware of new schools being built in the surrounding suburbs. However, this does not resolve the problems being faced by the residents of Williams Landing. Education is a right for every student, and the Victorian government has a duty to provide access to schools for all students in Victoria. My question to the minister is: can the minister advise me when the government will commit to building a school in Williams Landing in my electorate?

### NORTHERN VICTORIA REGION

**Ms LOVELL** (Northern Victoria) (12:19): (1734) My question is for the Minister for Health. While the state government likes to blame anyone and everyone for the current state of Victoria's health system, the simple fact remains that Daniel Andrews has presided over our health system as either Premier or health minister for 11 of the past 15 years. Despite constant questions seeking clarity, Minister Foley and the Premier continue to be vague on details surrounding the funding and construction of the new Mildura Base Public Hospital. The minister has failed to release the clinical health plan and now refuses to provide any details on the status of the master plan of the new hospital. It is time the Andrews Labor government put their money where their mouth is and funded the full cost of the new Mildura Base Public Hospital in the upcoming 2022–23 state budget. Will the minister give a commitment that the upcoming state budget will include the full funding to construct the new Mildura Base Public Hospital?

### SOUTHERN METROPOLITAN REGION

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (12:20): (1735) My matter relates to St Kilda Road between Kings Way and Bowen Crescent and to the issue that continues to operate where the government and the Minister for Planning are not listening or responding to the concerns raised by people in a series of towers, the Condos tower in particular. Janet Vaughan, Tristan McCarthy and others have raised these matters. And I might add that the Minister for Planning has not responded to my adjournment from a little while ago either. So this is a very real issue because they have lost parking, there is now enormous restriction that is occurring there and their quality of life is being impacted significantly. I would ask the minister: will he meet me on site with a number of representatives from the committees of management of the three buildings that are most directly impacted?

### EASTERN VICTORIA REGION

**Ms BURNETT-WAKE** (Eastern Victoria) (12:21): (1736) My constituency question is for the Minister for Education in the other place. A parent from Upwey South Primary School has raised, through me, that the grades 1 to 4 building has no heating. The parents have been informed that the gas has been turned off to the building due to a gas leak at the school. Furthermore, they have been told that the school does not have sufficient funds to have the necessary repairs done to rectify the gas leak. It is not even winter yet and the children are cold. The gas leak needs to be fixed as an urgent priority so that heating can be turned back on, because any leak is a health and safety issue that also must be fixed. After two years of homeschooling this is not what the children need. A cold, miserable learning environment will only add to any disengagement they have with learning already. Minister, will you urgently fund the necessary repairs to the Upwey South Primary School so students can learn in a warm and safe environment?

## EASTERN METROPOLITAN REGION

**Dr BACH** (Eastern Metropolitan) (1737)

**Incorporated pursuant to order of Council of 7 September 2021:**

Will the Minister for Public Transport make work experience opportunities available for Victorians with a disability, at Metro Trains?

I recently met with staff from Burke and Beyond, which does wonderful work in my electorate supporting people with a disability. A key challenge at the moment is securing work experience opportunities, as Burke and Beyond seeks to help those it supports to gain employment.

I'm advised that many of those who are supported by Burke and Beyond love trains, and would be thrilled to have access to work experience opportunities at Metro. For my part, I think this would be an excellent step—for the government to model good practice, noting that some prejudice against Victorians with disability persists. This is, nonetheless, directly contrary to all the evidence that those with a disability, with a right support, make a fantastic contribution in the employment market.

### Petitions

**Following petitions presented to house:**

#### BREAST SCREENING

We, the undersigned Citizens of Victoria, draw to the attention of the Legislative Council that 61,000 eligible Victorian women who would ordinarily be scheduled for a breast screening have not received it.

Victorians know that preventative measures such as breast screenings are vital and potentially lifesaving.

We therefore request that the Legislative Council call on the Andrews Government and the Minister for Health to reverse their cuts to delivered breast screening services in Victoria and fully fund the program so all eligible women have proper access to this essential, life-saving program.

**By Mr DAVIS** (Southern Metropolitan) (11 signatures).

**Laid on table.**

#### HANGING ROCK PRECINCT DEVELOPMENT

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that the Department of Environment, Land, Water and Planning's (DELWP) draft Master Plan for the use of Hanging Rock (the Rock) has significantly shifted focus towards events and tourism at the expense of community involvement and recreation. Children and adults in the area will have their local sport and recreation facilities taken from them and DELWP is proposing no viable alternative. In particular, the Hanging Rock Cricket Club, established in 1893, has a membership of 100 people with three senior teams, four junior teams and a proud record of supporting women's cricket.

The Cricket Club provides a safe place for children to play sport in a rural environment where venues for such recreation are limited. Losing access to much needed open space will have a significant and detrimental effect on the tight-knit community around the Rock, which is expanding with many young families.

Removal of a well-supported club from a vital recreation space reflects a desire to maximise profits from a popular and iconic location. In doing so, it sacrifices the wellbeing of the community and abandons the youth of the area.

The petitioners therefore request that the Legislative Council call on the Government to amend the Department of Environment, Land, Water and Planning's draft Master Plan for Hanging Rock to allow local sport within the Hanging Rock precinct.

**By Ms MAXWELL** (Northern Victoria) (1103 signatures).

**Laid on table.**

#### KOALA HABITAT LOSS

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that Central Highlands Water (CHW) must stop clearfelling koala habitat in Gordon.

After a devastating year for Ballarat koalas, the Gordon koalas now face further challenges to ensure their survival. CHW have applied to Moorabool Shire Council for planning permission to clearfell a 16-hectare blue gum plantation that is a known koala habitat.

Placed at the intersection of Cartons Road and the Western Freeway in Gordon, this small blue gum forest has existed for 20 years and has attracted a sizeable koala population. The habitat forms part of the important wildlife corridor connecting Wombat State Forest to Whipstick Forest Bendigo. The Cartons Road overpass has allowed the safe movement of koalas and other rare arboreal animals such as sugar gliders, phascogales and feather tail gliders cross the busy Western Freeway.

CHW's intention is to clearfell the plantation and enlarge the grassed "wastewater irrigation" area around existing sewerage ponds. Many locals were unaware of this plan until recently due to insufficient community consultation and publicity. Discussions between CHW and local residents resulted in an understanding that a narrow 30-meter strip of existing blue gums will be left along the Cartons Road and Western Freeway boundaries. However, as the boundary trees have already been damaged, a 30-meter strip would be a completely insufficient koala habitat and would drive koalas onto the Freeway in search of food.

The survival of Koalas in this region hangs in the balance. Offsetting strategies to replant will not benefit koalas in any way as they require habitats with mature trees. Gordon koalas desperately need the Cartons Road blue gum habitat to remain.

The petitioners therefore request that the Legislative Council call on the Government to prevent further decline of the region's koalas and halt the clearfelling of the blue gum plantation at the intersection of Cartons Road and the Western Freeway in Gordon, as it is a known koala habitat.

**By Mr MEDDICK (Western Victoria) (109 signatures).**

**Laid on table.**

### MEDICINAL CANNABIS

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the need to reassess the current roadside drug test laws to reflect and recognise medicinal cannabis as a prescribed and acceptable treatment for suffering Victorians.

The current law is very black and white with cannabis (THC) detection in roadside testing. This means medicinal cannabis patients who legally use THC and cannabidiol (CBD) to assist with illnesses like chronic pain, seizures, extreme anxiety, depression and more, can test positive to cannabis use in roadside testing. As THC can be found in saliva days after use, medical cannabis users are exposed to the same consequences as those who are indeed driving on illicit drugs. This is absurd.

Medicinal cannabis is a treatment that works. Compared to its competitors, such as Endone and other opioids, it is nonaddictive, cannot cause deaths by overdose, and much harder to abuse. The prescribed amount for most patients is so little that impairment is not a concern in comparison to other treatments. It makes no sense why roadside laws do not reflect this.

Cannabis patients who are lawfully permitted to use such medication should be allowed to undergo a roadside impairment test to ensure that they are fit to drive. Only where the driver proves to be impaired and the police officer believes they are unfit to drive, is a fine reasonable.

The petitioners therefore request that the Legislative Council call on the Government to review current roadside drug testing laws to recognise medicinal cannabis users so that where a user is stopped for testing, they can produce evidence of their lawfully permitted use of such medications and undertake a roadside impairment test to determine whether they are fit to drive.

**By Ms PATTEN (Northern Metropolitan) (847 signatures).**

**Laid on table.**

**Committees****SCRUTINY OF ACTS AND REGULATIONS COMMITTEE***Alert Digest No. 5*

**Mr GEPP** (Northern Victoria) (12:24): Pursuant to section 35 of the Parliamentary Committees Act 2003, I lay on the table *Alert Digest* No. 5 of 2022 from the Scrutiny of Acts and Regulations Committee, including appendices. I move:

That the report be published.

**Motion agreed to.**

**ECONOMY AND INFRASTRUCTURE COMMITTEE***Inquiry into the Multi Purpose Taxi Program*

**Mr ERDOGAN** (Southern Metropolitan) (12:25): Pursuant to standing order 23.29 I lay on the table a report from the Economy and Infrastructure Committee on the inquiry into the multipurpose taxi program. I further present transcripts of evidence, and I move:

That the transcripts of evidence lie on the table and the report be published.

**Motion agreed to.**

**Mr ERDOGAN:** I move:

That the Council take note of the report.

The multipurpose taxi program has been providing subsidised travel for Victorians with a disability since 1983. It is a crucial program which helps all Victorians live a full life, be that by supporting access to vital medical care or helping to maintain social contact with family and friends. More than 83 000 Victorians are MPTP members.

The Victorian government began to expand the multipurpose taxi program as part of its reforms to the commercial passenger vehicle sector. In addition to traditional taxi operators, ridesharing services such as Uber can now participate in the program. The expansion has led to greater choice for MPTP members and has delivered some benefits. However, the expansion of the program has also raised some concerns. One of the main areas of concern identified by this report relates to wheelchair-accessible vehicles, or WAVs. The committee learned that around 15 per cent of MPTP members rely on WAVs for their transport needs. The availability of WAVs is a longstanding issue, and there is a need to ensure numbers of WAVs are sufficient to meet community needs. The committee heard evidence that there has been some improvement in recent years. However, proper understanding of this issue can only be gained once the COVID-19 pandemic has passed.

The regulator, Commercial Passenger Vehicles Victoria, could not provide the committee with an accurate picture of how many WAVs are operating on Victoria's roads or their distribution across regional or metropolitan areas of Victoria. This was attributed to a number of factors, including poor data management and the impacts of the COVID-19 pandemic. The committee has made a recommendation that CPVV immediately undertake an audit of how many WAVs are currently operating in Victoria and their geographic distribution. It has also made recommendations regarding CPVV's ongoing responsibility to the sector.

The committee has made recommendations in a number of other areas, including: safety and driver training; the commercial viability of the sector, including the appropriate increase of lifting fees for WAV drivers; concerns about surge pricing; the expected impact of the national disability insurance scheme; and complaints handling processes. The committee believes that the issues identified by this report are integral to the ongoing success of the multipurpose taxi program, ensuring that the public continues to have trust and confidence in this important program.

The inquiry received 22 written submissions from stakeholders and heard from 17 witnesses across three days of public hearings. As chair of the committee I would like to thank all those who contributed to this inquiry through written submissions and who appeared at our public hearings. I would also like to thank my fellow committee members: deputy chair Mr Bernie Finn, Mr Mark Gepp, Mr Lee Tarlamis, Mrs Bev McArthur, Mr Tim Quilty and Mr Rod Barton. I thank Mr Andy Meddick also, who participated during this inquiry. I appreciate the cooperative approach adopted by all members. Mr Barton has a particular interest and passion for this subject, and I would like to acknowledge the significant amount of attention and robust feedback he gave us at the committee. I am pleased the committee has been able to present a non-partisan report, supported by all members of the committee, without a minority report. This is a report that our entire committee can be proud of.

Finally, I would like to thank the parliamentary staff who have supported this inquiry, including the Hansard unit, the community engagement unit and especially the committee secretariat—Justine Donohue, Caitlin Connally, Vivienne Bannan and Patrick O’Brien—for their assistance in producing this report. I would also like to thank my office staff. I commend this report to the Parliament.

**Mr TARLAMIS** (South Eastern Metropolitan) (12:29): I would also like to contribute on the report on the inquiry into the multipurpose taxi program. The multipurpose taxi program provides a service for people with a disability or mobility limitation who cannot drive or safely and independently access other transport. It assists them in living a full life by enabling them to access vital health appointments and services, shop for food and maintain connections with family and friends within their community. The ability to maintain personal mobility and have transport options are major enablers of health management, ageing in place and the prevention of social isolation and loneliness.

This inquiry investigated the expansion of the multipurpose taxi program and the relevant concerns that arose as a result. One of the main areas of concern identified during this inquiry was related to the wheelchair-accessible vehicles, or WAVs. The committee learned that 15 per cent of multipurpose taxi program members rely on wheelchair-accessible vehicles for their transport needs; hence it was concerning to learn that the regulator, Commercial Passenger Vehicles Victoria, does not know how many wheelchair-accessible vehicles are currently operating on Victorian roads. The committee has made recommendations to address this problem immediately to ensure that CPVV are capturing accurate and ongoing data necessary to understand how many wheelchair-accessible vehicles are operating at any given time. This information is important in determining if action is necessary to ensure there is sufficient supply of wheelchair-accessible vehicles available to service those who require them. I was also concerned that operators like Uber, who are now operating in the multipurpose taxi program, made it clear during the inquiry that they had no intention of adding wheelchair-accessible vehicles to their fleet.

There are a number of other important recommendations in this report, including in areas such as improving safety, surge pricing concerns, lifting fees and improving response times. I would like to acknowledge the work of my fellow committee members throughout this inquiry, as well as the secretariat staff for their assistance and hard work. I would also like to thank Mr Barton for bringing this important inquiry forward. I commend the report to the Parliament.

**Mr BARTON** (Eastern Metropolitan) (12:31): I would like to thank our chair, Enver Erdogan, for his patience and my fellow committee members. I would also obviously like to thank the staff of the secretariat, who did an incredible job, and those who came along and spoke at the public hearings.

This report is damning for Commercial Passenger Vehicles Victoria (CPVV). The failure of data collection and other matters is staggering. In 2020, at the height of the pandemic, when the government was supporting the industry to the tune of \$22 million to keep taxis and particularly wheelchair-accessible vehicles on the road, while the government was proactively supporting the industry, the regulator opened up the multipurpose taxi program to another 80 000 vehicles. They thought this was a good idea. The report has shown the damaging effect on the financial viability of the wheelchair-access vehicles. Wheelchair-access vehicles provide an essential service to the community.



We discovered during the inquiry that Uber had actually trialled providing wheelchair-access vehicles and found it simply financially unviable. At the public hearing they declared they had no intention or plan to provide these vehicles in the future. They merely want to cherrypick the cream of the work. This is a company the CPVV wanted to open up our disability transport program to—a decision almost beyond belief. The CPVV came kicking and screaming to this inquiry. Their recalcitrant attitude to accountability at the parliamentary inquiry did not do them any favours. I was pleased to see the report remind the CPVV of not just their responsibility to be accountable to both the Parliament and the public but their responsibility to protect Victoria's most vulnerable and provide them with accessible and safe transport. I will be having more to say, obviously, at a later stage.

**Motion agreed to.**

### PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

#### *Inquiry into Auditor-General's Report No. 253: Managing School Infrastructure (2017)*

**Ms TAYLOR** (Southern Metropolitan) (12:33): Pursuant to section 35 of the Parliamentary Committees Act 2003, I lay on the table the Public Accounts and Estimates Committee's interim report on the inquiry into the Auditor-General's report 253, *Managing School Infrastructure*, 2017. I further present transcripts of evidence, and I move:

That the transcripts of evidence lie on the table and the report be published.

**Motion agreed to.**

#### *Report on the 2020–21 Financial and Performance Outcomes*

**Ms TAYLOR** (Southern Metropolitan) (12:33): Pursuant to section 35 of the Parliamentary Committees Act 2003, I lay on the table the Public Accounts and Estimates Committee's *Report on the 2020–21 Financial and Performance Outcomes*. I further present transcripts of evidence, and I move:

That the transcripts of evidence lie on the table and the report be published.

**Motion agreed to.**

### Papers

### PAPERS

#### **Tabled by Clerk:**

Gambling Regulation Act 2003—Amendment to the Public Lottery Licence issued to Tattersall's Sweeps Pty Ltd on 1 June 2017 to make changes to the Authorised Public Lottery Oz Lotto, under section 5.3.19 of the Act.

Major Events Act 2009—Major Sporting Event Order of 29 March 2022 for the ICC T20 Men's World Cup 2022, under section 22 of the Act.

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

Ararat Planning Scheme—Amendment C40.

Bass Coast Planning Scheme—Amendment C161.

Benalla, Mitchell, Strathbogie, Wangaratta, Whittlesea and Wodonga Planning Schemes—Amendment GC157.

Casey, Manningham, Maribyrnong, Maroondah, Melbourne, Monash, Moreland, Murrindindi, Stonnington, Whitehorse, Wyndham and Yarra Planning Schemes—Amendment GC192.

Colac Otway Planning Scheme—Amendment C113.

Glen Eira Planning Scheme—Amendment C228.

Hepburn Planning Scheme—Amendment C77.

Mansfield Planning Scheme—Amendment C49.

Mornington Peninsula Planning Scheme—Amendment C288.

Warrnambool Planning Scheme—Amendment C209.

Whittlesea Planning Scheme—Amendment C260.

Public Health and Wellbeing Act 2008—Documents under section 165AQ of the Act in relation to the making of pandemic orders implemented on 18 March 2022.

### **Business of the house**

#### **NOTICES**

**Notices of motion given.**

**Notices of intention to make a statement given.**

#### **GENERAL BUSINESS**

**Mr GRIMLEY** (Western Victoria) (12:40): I move, by leave:

That precedence be given to the following general business on Wednesday, 6 April 2022:

- (1) the notice of motion given this day by Ms Crozier on the production of documents relating to the Emergency Services Telecommunications Authority consultancies;
- (2) notice of motion 748, standing in the name of Mr Atkinson on Ukraine;
- (3) notice of motion 737, standing in the name of Mr Davis on tax increases;
- (4) the notice of motion given this day by Mr Grimley on the sexual assault reporting option;
- (5) notice of motion 729, standing in the name of Ms Maxwell on an inquiry into workplace behaviour in the Victorian Parliament; and
- (6) notice of motion 735, standing in the name of Mr Hayes on political donations.

**Motion agreed to.**

#### **Committees**

#### **PARLIAMENTARY COMMITTEES**

##### *Membership*

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:41): I move, by leave:

That:

- (1) the following changes be made to the membership of the Standing Committee on the Environment and Planning:
  - (a) Ms Taylor be discharged;
  - (b) Ms Watt be appointed;
- (2) the following changes be made to the membership of the Standing Committee on Legal and Social Issues:
  - (a) Ms Vaghela be discharged;
  - (b) Ms Taylor be appointed;
  - (c) Ms Watt be discharged as a participating member;
  - (d) Mr Gepp be appointed as a participating member;
  - (e) Ms Terpstra be appointed as a participating member; and
  - (f) Ms Vaghela be appointed as a participating member.

**Motion agreed to.**

**Joint sitting of Parliament****SENATE VACANCY****VICTORIAN RESPONSIBLE GAMBLING FOUNDATION**

**The PRESIDENT** (12:42): I have a message from the Assembly:

The Legislative Assembly has agreed to the following resolution—

That this House meets the Legislative Council for the purpose of sitting and voting together to:

(1) choose a person to hold the place in the Senate rendered vacant by the death of Senator Kimberley Kitching; and

(2) elect a member of Parliament to the Board of the Responsible Gambling Foundation—

and proposes that the time and place of such meeting be the Legislative Assembly Chamber on Wednesday 6 April 2022 at 6.00 pm—

which is presented for the agreement of the Legislative Council.

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:43): I move, by leave:

That the Assembly's message be taken into consideration forthwith.

**Motion agreed to.**

**Ms SYMES**: I move, by leave:

That this house meets with the Legislative Assembly for the purpose of sitting and voting together to:

(1) choose a person to hold the place in the Senate rendered vacant by the death of Senator Kimberley Kitching;

(2) elect a member of Parliament to the board of the Responsible Gambling Foundation;

and, as proposed by the Assembly, the time and place of such a meeting be the Legislative Assembly chamber on Wednesday, 6 April 2022, at 6.00 pm.

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (12:43): The opposition will support this motion of course. We believe the tradition of the house of swiftly and without rancour appointing people to the Senate or indeed this chamber should be upheld. I do want to place on record the swiftness with which the coalition has supported this move and at the same time counterpose that with the uncertainty that existed over the replacement of Mr O'Donohue and the days that that stretched out. I just want to put that on the record clearly and in doing so also make the point that I think we were all saddened by what occurred with Senator Kitching.

**Motion agreed to.**

**The PRESIDENT**: A message will be sent to the Assembly informing them of the Council's resolution.

**Members statements****ELECTIVE SURGERY**

**Ms CROZIER** (Southern Metropolitan) (12:44): Victoria's health crisis is getting worse by the day. We know that. Daniel Andrews and his government will not be up-front with Victorians and say exactly how many Victorians are on waitlists for vital, essential elective surgery. This is not surgery that is meaningless or minor. In some instances it will be life saving and in many instances it will be life changing; in almost all cases it is life changing. This is so symbolic of how this government operates. It operates in secrecy. There is a total lack of transparency around what the government is actually doing. There were record numbers of Victorians on elective surgery waitlists prior to COVID. This latest challenge and the crisis that is going on has, yes, of course, been exacerbated by COVID, but it has not been caused by COVID. It is years of mismanagement; it is years of a lack of planning

and preparation, years of underinvestment. The Labor Party have been in power in this state for almost 20 years—two decades—and yet with a booming population, with an ageing population, they have not invested in our healthcare system and as a result we have now got a disaster on our hands. As one CEO said to me, this is a train wreck and this government does not know how to fix it.

### TINA HATZOPOULOS

**Dr CUMMING** (Western Metropolitan) (12:46): On Friday, 1 April, I attended the Greek Orthodox church the Dormition of Our Lady in North Altona for the farewell of a schoolfriend, Tina Hatzopoulos. I went to school with Tina at Christ the King Primary School and then at Caroline Chisholm Catholic College in Braybrook from years 7 to 12. Tina was someone who loved life and lived it to the full. She was called ‘Disco Queen’ because of her love of Michael Jackson. It is always hard to say goodbye to those that we love, especially when they are taken away from us at the young age of 48. My sincere condolences to her husband, Alex, her 17-year-old son, Nikolaos, and her 14-year-old daughter, Angelique, and I also offer my condolences to her parents, Sotiris and Ageliki Papafotiou, her sister, Georgina, her family members and friends and the Greek community in Melbourne’s west. Her sister, Georgina, was a former councillor and mayor at Brimbank City Council, and I worked alongside her for the last 10 years that I was on Maribyrnong City Council. I send my sincere condolences to her family and friends.

### FIREFIGHTER STATE CHAMPIONSHIPS

**Ms LOVELL** (Northern Victoria) (12:48): It was fantastic that the City of Greater Shepparton once again hosted the CFA-VFBV combined senior urban and rural firefighters state championships and the rural junior state championships at the Mooroopna Recreation Reserve on the final weekend in March. There was plenty of excitement and action throughout the competition, and a highlight of the weekend was the return of the spectacular torchlight parade on Saturday night. Thank you once again to CFA district 22 and the Mooroopna fire brigade, who were the perfect hosts for the event, and I congratulate Alan Davies and the committee and all involved in staging another very successful state championships. I look forward to welcoming the many competitors back to our region in March 2023 for next year’s state championships.

### SHEPPARTON ACE SECONDARY COLLEGE

**Ms LOVELL:** Shepparton ACE Secondary College is a registered community-based secondary college that provides a safe, accessible learning environment which focuses on positive educational experiences and outcomes and creating pathways to tertiary study and employment. ACE college is a very important offering to 104 students in Greater Shepparton. Last week I participated in two very special events at the college. On Tuesday I was delighted to speak with their year 12 politics students, then on Thursday I was delighted to attend their community barbecue, which was a celebration of the college and also their official opening. The college was officially opened by musician and songwriter Neil Murray after Mark Gepp let the college down by withdrawing from performing the opening at the very last minute.

**Ms Symes:** You can’t even get the name right.

**Mr Gepp:** On a point of order, President, two things, and the Leader of the Government picked up on it: Ms Lovell continues this disrespectful pronunciation of the surname—I think it is probably just ignorance. But, secondly, she is misleading the house in terms of the final piece of her members statement. It is simply not true what she just put on the record, and she should withdraw because it is entirely inaccurate. I actually attended the college as originally planned on the Wednesday, and neither the ministerial office nor the department were advised about the Thursday afternoon, which the college acknowledged when I visited there on the Wednesday. So Ms Lovell actually should withdraw instead of misleading this house.

**Mr Finn:** On the point of order, President—

**The PRESIDENT:** Mr Finn, I am going to rule the point of order out.

### FEDERAL ELECTION

**Mr FINN** (Western Metropolitan) (12:50): It is often said that the first casualty of war is truth. Truth is sadly all too often a casualty of election campaigns as well. Anyone travelling along the Tullamarine Freeway just near Essendon Fields will see a huge and very expensive sign above the roadway that screams the message 'Save our NDIS'. It is clearly indicating the NDIS is somehow under threat, something I have never heard suggested by anyone. The sign is part of the campaign for the re-election of the federal member for Maribyrnong. He is the same member for Maribyrnong who as the opposition leader at the last election championed the false and grossly misleading Mediscare campaign. He has form. I must admit to more than a small degree of scepticism regarding the NDIS, a massive welfare program based in Canberra. I am delighted to say I have largely been proved wrong. For the member for Maribyrnong to now indulge in attempting to put fear into families of children with disabilities—as well as adults with disabilities—is disgraceful. He of all people should know better. His advertisement is shameful. It is wrong. The re-election of the Morrison government poses no threat to the future of the NDIS. Is it any wonder, any wonder at all, that the member for Maribyrnong is known out our way as 'Bull Shittin'?

### COVID-19

**Mr QUILTY** (Northern Victoria) (12:52): One in six Victorians has contracted COVID this year, and many more have been forced into isolation as a result. This forced isolation is a huge issue. People who test negative are still required to stay home, and sometimes they are stuck isolating for weeks as member after member of their family contracts COVID while they remain negative. The isolation itself sometimes is causing worker shortages and staffing issues, and it is clear we will all be exposed to COVID at some point anyway.

In the last couple of weeks COVID finally started spreading through this Parliament as well. Many MPs are now discovering firsthand how the rules work. Matthew Guy, the Victorian Liberals leader, is among them. After being forced to isolate he finally realised the COVID rules are a bit of an issue. He told reporters that:

... it is very weird when it happens to yourself because then you realise you haven't planned ... your whole week to be at home.

Perhaps some in the Liberal Party may have missed it, but COVID restrictions have been a nightmare for Victorians for two years. It should not have to happen to you before you see that it is a problem. It is enormously disruptive to put entire households into isolation. The close confinement means that more of us will catch it and those who do not will have to isolate even longer.

The logic behind mandatory isolation rules is falling apart. If the point is to keep things open, then we should minimise mandatory isolation requirements. What is the point of forcing vaccinations if we still cannot open our society? We are as protected as we are ever going to be. It is time to end the state of emergency and get back to life as normal.

### KOONWARRA MEMORIAL PARK

**Ms BATH** (Eastern Victoria) (12:53): If volunteerism had an Olympic category, the late Ian Kinnish would be a gold medallist. For 53 years Ian was the secretary and treasurer of the Koonwarra hall committee. Last Sunday his wife, Mary Ann, and members of his family celebrated the community's acknowledgement of his dedicated service. He was a reliable and steadfast gentleman whom I knew very well; I was delighted to be in the congregation when we celebrated his considerable time and effort. Also the relatives of former Koonwarra World War II soldiers Robert Barguss and Harry Milsom, who died over 80 years ago, gathered for the official unveiling of their memorial plaques at the memorial park. Faye Marshman shared some of the stories collated by sister Meryl Pyle around Bob's brutal death in Changi on the Burma Railway. He kept a diary prior to his death.

Harry was shot in New Guinea in 1942, and his relatives travelled from interstate to share a glimpse of his story. Harrowing though these deaths are, it was wonderful to commemorate their lives and contributions to Australian sovereignty. Tanya Wilson and Brian Hosking displayed their prodigious singing talents, making the ceremony memorable, but gratitude and thanks go to local gentleman Ken Caithness for being the driving force behind this special remembrance. Ken is an absolute legend, and we thank him for his efforts on that day.

### COMMERCIAL PASSENGER VEHICLE INDUSTRY

**Mr BARTON** (Eastern Metropolitan) (12:55): There have been reports in the *Australian* newspaper that the New South Wales government is developing a proposal for a billion-dollar compensation package for the state's taxi licence owners. This—

**Mr Davis** interjected.

**Mr BARTON:** Thank you, Mr Davis. This speculated package would end up compensating roughly \$200 000 per licence in recognition of the severe impact of the rideshare industry. This package under consideration is a far cry from the Victorian taxi licence experience. At the moment this package appears to be speculation. We are still waiting for an official statement from the New South Wales government to understand the true nature of the package.

I visited Sydney last week to attend the NSW Taxi Industry State Conference 2022. We discussed many issues, including the proposed package for the industry as a whole. I would like to thank everyone who took the time to take part in the conference. What really stood out to me was the strength of the New South Wales taxi community and their united front. This is what happens when an industry works together. Without solidarity our voice becomes just white noise. I encourage the Victorian taxi and hire car industry to view this as an example of what can be achieved when we work together. We must repair the past to build a sustainable pathway forward for the future.

### HAROLD BOULD/WILMA YOUNG (CARDINIA) KOKODA AWARD

**Ms BURNETT-WAKE** (Eastern Victoria) (12:56): Recently I had the pleasure of attending the launch of the 2022 Bould-Young memorial award initiative as a new patron. The Bould-Young memorial award is an annual award that aims to inspire young leaders and honour the legacy of Australian soldiers who fought and, sadly, died on the Kokoda Track. It is named in honour of Harold Bould, a soldier who was killed in action on 29 July 1943, and Wilma Elizabeth Forster Young, who was an army nurse during World War II. Both of these individuals were residents around the Pakenham area.

Established in 2008 by the 39th infantry battalion association, the memorial award is a literacy award presented to two year 10 students in Cardinia shire. Entrants are required to write a 600-word essay on what Kokoda means to them and what Kokoda meant to Australia. This incredible initiative gives the winning students the chance to walk in Mr Bould's footsteps during a 10-day trek over 100 kilometres of the rugged Kokoda Track in PNG.

I would like to thank the 39th battalion association for their determination in keeping this award going despite a few years of no international travel. I would also like to extend my thanks to the generous local businesses, organisations and individuals that give so much to allow this to happen. I look forward to my involvement in support of this award in the future. It is such a wonderful opportunity for our future leaders to learn firsthand how Australian soldiers fought for the freedoms we all enjoy today.

### SUBURBAN RAIL LOOP

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (12:58): Today I want to draw the chamber's attention to the outrageous mismanagement of our Suburban Rail Loop and the involvement of Mr James MacKenzie in the matter. This is a project that is massively over budget

already. They said \$50 billion for the whole lot; it is now \$35 billion to \$50 billion just for one-third of it. The FOI information we have shows Mr MacKenzie using his private email address both at the Suburban Rail Loop Authority and at Development Victoria. This is an outrage. It is clearly a breach—an absolute breach—of the Public Records Act 1973, and the massive blowouts in cost on this project and projects across the state reflect the mismanagement of these projects and the ramshackle approach to public management of them.

I make the point very clearly: how can you expect to manage, cost-contain and constrain these projects from blowing out if you actually do not have half the documents? We have actually got cabinet-in-confidence documents being transmitted on a private email service with no control and no proper backup. I say there is a lot to cover up on this. I say the project is corrupt to the core and that the government's approach to this—its secrecy, its use of private emails to cover up on this project—is outrageous. This is crooked. It is wrong. And I have to say that the Premier should step in and demand that the proper email service be used, rather than the corrupt processes that are operating now.

### **Business of the house**

### **NOTICES OF MOTION**

**Ms TAYLOR** (Southern Metropolitan) (13:00): I move:

That the consideration of notices of motion, government business, 683 to 746, be postponed until later this day.

**Motion agreed to.**

### **Bills**

### **PUFFING BILLY RAILWAY BILL 2022**

#### *Second reading*

**Debate resumed on motion of Ms SYMES:**

That the bill be now read a second time.

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (13:01): Puffing Billy is one of our great tourist icons. It is an icon that has enraptured not only young kids but many across our community. Mr Atkinson, Ms Burnett-Wake and I, who know something about the hills that are to the east of this city, understand the enormous work that was done by volunteers over so many decades to ensure that that tourist railway was, first, resurrected after the great landslide, but then brought to being a major tourist attraction. Governments of several colours have actually worked on that process of ensuring that Puffing Billy has been able to contribute to the state in the way that we would all want to see. It is true that there has been greater professionalisation of Puffing Billy over a longer period, but the key point is that the volunteers remain and should remain at the heart of the Puffing Billy Railway service.

The enormous tourist significance of Puffing Billy cannot be overstated. The international tourists who came here—and this was pre COVID; obviously international tourism has been very significantly affected by the COVID outcomes, but the truth of the matter is that our tourist industry has been strongly advantaged by Puffing Billy's presence. Many Chinese tourists and many tourists from Europe have taken the chance to, more recently again, hang their legs outside the train, and that should never have been banned, of course. We welcome the restoration of the opportunity for people to enjoy the movement up through the hills.

Many of us as kids remember going on Puffing Billy; it is a rite of passage for Melburnians and Victorians, and I pay tribute to that. I grew up in the eastern suburbs of Melbourne, and my family I should say went to the hills—went to the gully, as they call it. They first bought a house there in 1938—so well before the war. Parts of the family spent the war years in the Dandenongs, and after the war my family spent much of its time in the area around Boronia and Bayswater and later Lilydale, so

we are very familiar with these areas. Ms Burnett-Wake represents the area and understands it extremely well, having been on the Yarra Ranges council, which also strongly supports the tourist railway.

I make the point here that there have been some challenges for the tourist railway in recent years. The revelations that came through the Royal Commission into Institutional Responses to Child Sexual Abuse and others on childhood sexual abuse were very significant, and the *Betrayal of Trust* report and other important pieces of work pointed to challenges for the tourist railway. I am pleased that those challenges have been met squarely and head on. I do want to indicate that we need proper planning into the future for Puffing Billy. I welcome the government's bill here in general. It is not a bill that the coalition will oppose, but we will seek to amend the bill. I ask that my amendments be circulated at this point.

**Opposition amendments circulated by Mr DAVIS pursuant to standing orders.**

**Mr DAVIS:** The amendments propose a new clause and changes to clause 6 which insert 'and develop' after 'maintain' and ', volunteers' after 'Board'. The key point here is that the new clause would construct or erect a stakeholder consultative committee. Our amendment 3 would insert the following new clause:

- (1) The Board must establish a stakeholder consultative committee in relation to the Puffing Billy Railway.
- (2) The purpose of the stakeholder consultative committee is to provide to the Board opinions and responses regarding the following matters—
  - (a) business and strategic matters relating to the Puffing Billy Railway;
  - (b) the safe operation and management of the Puffing Billy Railway;
  - (c) the visitor experience provided by the Puffing Billy Railway and the surrounding region;
  - (d) the recruitment, engagement, recognition and retention of volunteers;
  - (e) the maintenance and preservation of the unique heritage of the Puffing Billy Railway.
- (3) The stakeholder consultative committee must consist of members who represent persons whose interests the Board considers likely to be affected by the matters referred to in subsection (2), including—
  - (a) members who represent community service groups; and
  - (b) members who represent historical societies; and
  - (c) at least three members of the Puffing Billy Preservation Society.
- (4) The stakeholder consultative committee must meet at least twice each year for the purpose set out in subsection (2)."

We think this is a very sensible, practical, plausible amendment. The government, we understand, in response to our amendments being circulated, has given general support and approval of our amendments, as have members of this chamber and the other place but also importantly members of the volunteer community and those who are connected with the Puffing Billy Railway. That response has been very strong, and the government has been put in the position where it realised that the amendment would likely be successful. The government has now backed down on its proposals and has now agreed to bring in amendments that will, to some extent, deal with these points. What I would say here is that this is a case study of the Legislative Council dealing with failings in the government's process: the failure of the government to properly and broadly consult and the failure of the government to actually listen to the broader Puffing Billy Railway community and the community that so much love the railway and are prepared to undertake the work that is required.

I make the point very strongly that the opposition, through our shadow, Cindy McLeish, has been very active in supporting the volunteers. The government has spent much of the last while trying to roll over the volunteers to actually cut them out of the equation, but actually it is the volunteers in this case that are responsible for saving Puffing Billy, the volunteers who over so many decades have insisted that Puffing Billy be supported in the way that it has been. It is true that in more recent years there has been significant public money under governments of different colours going into the process, and we



welcome that increasing support, given the growing tourism significance of Puffing Billy and the growing significance, in an economic sense, of Puffing Billy.

It is one of those great icons of Victoria and of Melbourne in particular. As I said earlier, I spent my childhood in close contact with the people in that area of the world. The fondness and support for Puffing Billy Railway was very, very strong. You only have to think back to times as a kid: *Mrs Munch and Puffing Billy*. I see the Clerk smiling, but the point is that this is deeply embedded in our culture in Melbourne and the Victorian community more broadly.

With those remarks, we will not oppose the bill. We are prepared to respond positively to the government's proposed house amendments. But make no mistake: these house amendments would not be there if it had not been for the work done by the opposition to ensure that our amendments were circulated and that the volunteers were protected. The government's legislation as it was put through the lower house was rough and ready and would have rolled over the volunteers. I say that the volunteers are the core of the Puffing Billy Railway and the core of the essence and the community links that are so much a part of Puffing Billy. Our amendments were fundamentally about safeguarding that important community involvement. To the extent that they have had the required effect, we welcome that.

**Mr GEPP** (Northern Victoria) (13:11): I am pleased to be able to rise to speak on the Puffing Billy Railway Bill 2022. At the outset can I say that I will not address Mr Davis's amendments. They will be acquitted by others during the course of the debate and I am sure will also be addressed by the minister at the appropriate time.

If you do not know about Puffing Billy here in Victoria, I am not quite sure where you have been, because for over 120 years it has been an iconic tourism attraction here in Victoria and one of the most popular and iconic tourist attractions in this state's history, I would venture to say. The bill before us will repeal and replace the Emerald Tourist Railway Act 1977 with the Puffing Billy Railway Act 2022. The bill itself provides a modern framework to futureproof the operations and governance of the attraction so it can operate more effectively and continue to draw visitors to the Dandenong Ranges for years to come. I too, like I am sure many speakers to come in this debate, have enjoyed a ride on Puffing Billy, although I must confess that I have not done it for many a long year. But just talking about the bill does—

**Ms Maxwell**: How many years, Mr Gepp?

**Mr GEPP**: Well, only probably three or four, Ms Maxwell. I cannot remember exactly when—

**Ms Maxwell**: Not since you were a child.

**Mr GEPP**: Well, I can remember how many years it has been since I was a child, I can tell you. It has been far too many, but I cannot remember exactly the last time I sat my bottom on the seats of Puffing Billy. But I do remember it fondly. Just talking about the bill, bringing back those wonderful memories, inspires me to perhaps want to do it again and port myself back in the time capsule to when I was that child.

The bill changes the name of the Emerald Tourist Railway Board to the Puffing Billy Railway Board, and this will prevent confusion and reflect the more commonly known name of the railway. I do not think there would be too many in this place who would not argue that name recognition is pretty important. The term 'Puffing Billy' has been well understood and well known throughout Victoria for many, many years.

The bill itself will also modernise provisions relating to good governance practices and the operation of the railway, including requiring the board, importantly, to develop strategic plans and empowering the minister to make directions and request information. It will also provide a new legislative framework for the Puffing Billy Railway that supports its future growth and sustainability as a state-significant tourism attraction. I know that it is very important to Minister Pakula, who has brought this

bill before the Parliament, for us to ensure that Puffing Billy does remain an icon of the state and that it does continue to operate as a significant tourist attraction not just for the domestic market but also as a marketing opportunity and as a tourism attraction for those interstate and international visitors as well.

The bill provides a range of objectives for the Puffing Billy Railway Board, and I think, importantly, it is key that we put some of these things on the record, Acting President Melhem. I am sure that in your time in this wonderful state of Victoria you have availed yourself and your family of a trip on Puffing Billy. If you have not, then I would certainly encourage you to do so, but I am pretty certain you have. The objectives include ensuring the economic sustainability and viability of the railway. We do not just want it for the current generation; we have enjoyed it for over 120 years—I think 121 years, and we want it around for another 121 years at least. We want to maintain the heritage significance of the railway and to manage and promote the safe operation of the railway. I know Mr Davis talked about dangling legs et cetera. I do not know precisely what—

**Mr Finn:** That's what kids do on Puffing Billy.

**Mr GEPP:** I understand what it means, Mr Finn, thank you. I understand the concept of the children dangling their legs outside of the carriage. I do recall it, and I think I may have done it myself back in the day. But if those things change, then that is a matter for the people who are operating the facility, and I am sure it would be done with health and safety in mind. We also of course want to promote the tourism offering and to enhance the visitor experience provided by the railway and the surrounding region. It is not just—when people come to the Dandenong Ranges—to enjoy Puffing Billy; there are many, many other attractions that they can go on to enjoy. The visitor economy is very, very important to that region and to the state overall.

Mr Davis made a point about and referenced volunteers and their participation in the railway. I am particularly pleased to say that one of the objectives of this bill is to ensure that we do recognise the important role of volunteers in the operation of the railway, not just now but for many, many years to come. They play such an important role, and we are very, very supportive of our volunteer community right across the board. Whether it is in emergency services, whether it is in health care or whether it is in education or tourism, we understand the role that volunteers play, and none more so than of the volunteers that roll up their sleeves and participate in the operation of Puffing Billy.

We also want to promote an understanding and education relating to our rail heritage, a very important heritage in this state. This bill will ensure that the board has an objective of promoting the understanding and the education relating to that heritage. We also want to, importantly, develop and maintain partnerships with community organisations and businesses. As I say, it is one thing to get people down to the ranges to enjoy their trip on Puffing Billy, but it is also equally important as part of the visitor economy that we ensure that the local community and local businesses are also connected to those people visiting the attraction so that we can grow and enhance that local economy. Equally importantly, we want the board to ensure that they have an objective in front of them to maintain harmonious relationships with the local community. Of course we want the board to ensure that they provide a safe, inclusive and diverse working environment for employees and volunteers in operating Puffing Billy.

Importantly, the bill also responds to the Victorian Ombudsman's report released in June 2018 *Investigation into Child Sex Offender Robert Whitehead's Involvement with Puffing Billy and Other Railway Bodies*. The bill goes some way to addressing that report. We all recall—and I do not want to spend too much time on that particular matter—it was a shameful time, and I think everybody was distressed when that news broke. I am sure that there is no-one in this place that would be upset with this bill addressing those key recommendations from the Ombudsman's report. The Ombudsman of course provided a suite of recommendations which the government accepted in full, one of which was to review the current structure and the composition of the existing board. So the bill addresses those findings and recommendations from that particular investigation and related reviews into the Emerald

Tourist Railway Board's operations, which found the existing act contained outdated and redundant provisions that required updating in the contemporary tourism environment. We understand here in this chamber, I think across the board again, the importance of having those contemporary provisions match the present environment.

As I said a few moments ago, the bill will support the growth and sustainability of the Puffing Billy Railway Board, while also recognising the heritage significance of the railway, the significance of its volunteers and its importance to local communities. I see Ms Maxwell in the chamber, and we share the electorate of Northern Victoria, the biggest electorate in the state—over 100 000 square kilometres. We understand when a community have a particular point of difference, where they have something that is iconic to their local community—you immediately think of a place like Swan Hill or Echuca and those magnificent paddle steamers—what it means to the local community in terms of both visitors coming to the town, so that visitor economy, and the jobs it provides for the locals but also, importantly, the pride they have in that point of difference and what it means to the local community. Many local people who have grown up in places like Echuca and Swan Hill and have been there since they first entered this world talk so proudly and so passionately about the river. So we understand the connection with these iconic tourism attractions not just for the people who are visiting but for the people in the local community and what it means to them to ensure that those iconic attractions are maintained.

Many of the people down at the Dandenong Ranges of course are the volunteers. They are the people that go along and help everybody who is participating to enjoy Puffing Billy with their experience. Our volunteers make a vital contribution to the operation of the railway. Whether they drive the locomotive or whether they are preserving the trains and tracks, whatever it might be, they play an exceptional role. We dip our lids to them, and we say thank you. This bill is designed to continue to enhance the sustainability of Puffing Billy. We understand and acknowledge your contribution to the operation of Puffing Billy, and we hope that you continue to play that vital role. This bill will support, I think, over 300 volunteers, many from the Puffing Billy Preservation Society, who have at their core the preservation of this magnificent, iconic attraction in the Dandenong Ranges, and we too, like them, have a commitment to the ongoing operation of Puffing Billy. We have had it for 120 years. It has made so many families, so many generations, lifelong memories and has become a much-loved attraction, and we want to continue that.

Just finally, I have talked about the visitor economy, and pre-pandemic—everything is pre-pandemic these days, and I see from news reports on the pandemic that there are further outbreaks around the world and particularly in some of those countries that have just come through winter, so the challenges that we confront with this pandemic are not over—Puffing Billy Railway attracted over 500 000 visitors each year. We certainly hope to get those numbers back to those levels as quickly as we possibly can. In the meantime the passage of this bill is so important to ensure that we have got the framework and structures in place to ensure that Puffing Billy remains a great iconic attraction to the Dandenong Ranges and to the state of Victoria. I wish its passage a speedy resolution.

**Ms MAXWELL** (Northern Victoria) (13:26): I rise to speak on the Puffing Billy Railway Bill 2022, which repeals the Emerald Tourist Railway Act 1977 and establishes a new principal act for future governance and operation of this iconic railway. Mr Gepp touched lightly on the Ombudsman's sexual abuse report. I would just like to note that the rights of victims are not usually prioritised over offenders, but I think this bill does go some way to symbolically doing so.

Puffing Billy is a significant tourist attraction. It is well known for delighting families and in particular children, who sit with their legs dangling over the sides of the open carriages as Puffing Billy weaves its way through breathtaking scenery. The bill seeks to provide the governance framework to sustain the operation of Puffing Billy Railway into the future. Symbolically it is much more than that, though, for while Puffing Billy is a landmark attraction that has given joy to locals and tourists over decades, it was also the stage for historical child abuse offences, the subject of an investigation by the Victorian Ombudsman in 2018.

Before I go on, I wish to welcome and acknowledge victim-survivors who may be here and those who I know are watching via the live stream today. I acknowledge your trauma and that while repealing the Emerald Tourist Railway Act in some respects is another step in closing that dark chapter, it can also bring back to the fore your pain and suffering. The offender at the centre of the Ombudsman's investigation was involved with railways, including Puffing Billy, for decades—in fact until 1991. This was despite having served a prison sentence for child abuse offending, despite having left another railway society under a cloud of child sexual abuse allegations and under a cloud of persistent rumours and reports, despite senior members discussing this person's untoward behaviour in the 1970s, despite being confronted by board members and investigated by police in the 1980s and despite the vice-president warning his own son to stay away from this person. We must learn from this, and we must do better.

The Ombudsman determined that the governance of Puffing Billy was tightly controlled by senior members of the Puffing Billy Preservation Society and that the lack of appropriate oversight and failure to respond to reports or to remove those under a cloud of suspicion left children exposed to horrific child sexual abuse. We know that perpetrators are opportunistic. This offender certainly was in assuming the role of roster officer, supervising overnight work parties and fire patrols and leasing property where offending occurred. He became the archives officer and drafted a policy that could conceal complaints.

The failures did not stop in 1991, when the offender was forced to resign from Puffing Billy. During the Ombudsman's investigation one of the preservation society board members made a repulsive suggestion that blame could be directed towards 'the predatory child'. The CEO appointed in 2002, a longstanding board member and former president of the preservation society, was criticised for failing to provide full and accurate information to victims, the royal commission, government bodies, the media and the Ombudsman.

**Sitting suspended 1.30 pm until 2.04 pm.**

**Ms MAXWELL:** The CEO appointed in 2002, a longstanding board member and former president of the preservation society, was criticised for failing to provide full and accurate information to victims, the royal commission, government bodies, the media and the Ombudsman. The Ombudsman noted:

For decades, young victims with valid complaints about sexual abuse were forced to seek justice for themselves, while steps were taken to protect the reputation of the alleged offenders and the railway.

Young William Elms was banned from volunteering following his complaints, something that continues to deeply affect him. I recognise that with over 1000 members at some points in time and nearly 500 volunteers being actively involved in preserving and operating the railway, there are many hardworking, honest and law-abiding members of the Puffing Billy Preservation Society.

The failures of the board, described as 'monumental' by the Ombudsman, were likely never known to them, and I am sure it is very painful for these members that their love for the railway—for their society—is tarnished by the scathing details exposed in the Ombudsman's report. Those volunteers have raised funds and given countless hours over many decades to the Puffing Billy Railway. A couple of those volunteers wrote to me imploring that this bill be delayed, citing a range of concerns about how volunteers will be supported in the future and about how assets will be managed and a fear that the society is being dismantled as punishment for the past. The Royal Commission into Institutional Responses to Child Sexual Abuse said that, if the problems identified are to be adequately addressed, changes must be made to the culture, structure and governance practices of institutions. This should be without resentment and with the best interests and safety of children at the centre.

The government has its own share of responsibility: to accept that the Emerald Tourist Railway Board was a government agency. While the government could have nominated six representatives to the board, it only ever nominated three. This allowed four society members to control the board, a control they held very tightly from 1977 until 2002.

I do not accept suggestions that the Ombudsman's report was not robust or that there is some kind of cover-up occurring. I do accept some of the concerns raised about preserving the future for volunteers and ensuring a cooperative and safe operation of Puffing Billy. Volunteering is an important part of our society. Many aspects of our society are heavily dependent on volunteers. I know the society is trying to move forward and that there are issues relating to assets and contracts that are ongoing and still need to be resolved. The government made some positive commitments around this during consideration in detail in the Legislative Assembly, and my office has had discussions with the minister's office on some of those concerns. I appreciate these conversations, and I hope the government will be true to the commitment they have given to protect the heritage significance of the railway and the significance of Puffing Billy volunteers. Going by Mr Gepp's contribution, I am certain they will.

The preservation society has undergone much change since 2018. They are now an independent entity, and I hope they have robust policies and oversight in place, as should all organisations. I hope that mechanisms such as working with children checks and child safe standards ensure that predators cannot manipulate opportunities that give them access to these children, as they have in the past.

Measures to ensure the safety of our children should continue to be a high priority for each and every organisation, including government agencies, volunteer societies, sporting clubs and other associations. Governments should continue to explore measures that make it easier to identify potential offenders, whether that is considering Coach Check, implementing the public sex offender register, ensuring offenders cannot operate under pseudonyms or other ways to keep a light on potential predatory behaviour.

Derryn Hinch has been well known for naming and shaming paedophiles. We continue to focus our policy work on child safety and the rights of victims over offenders. For the interest of this chamber, the Ombudsman investigation noted a report on the *Hinch* program back in 1989 about one of the offenders. It largely concerned a job in the Department of Defence, which was kept open whilst they were in prison. The report noted the sentencing remarks of the case: that this offender 'used his position as a youth leader at Victoria's historic Puffing Billy steam train to lure young boys into his web'. The minutes of the society meeting after the *Hinch* report aired state the committee agreed that one of the executives would have a 'quiet word' with the other offender. Yet in keeping with the practice of secrecy, nobody seems to recall what this was about. We can only join those dots, given the subject of that 'quiet word' was later convicted, nearly 25 years later, of 23 counts of child sexual offences against six children.

I know that I have focused heavily on the Ombudsman's report in my contribution today, but we always speak for victims first. Recommendation 2 from the investigation was that the government review the structure and governance of Puffing Billy, as this bill does. I hope the track ahead for Puffing Billy, for the new board and also for the preservation society and its many volunteers is one that brings only joy to the children and adults who travel on this iconic attraction or who volunteer or work for it in the future.

**Ms BATH** (Eastern Victoria) (14:10): I am pleased to make a contribution on the Puffing Billy Railway Bill 2022 this afternoon. I state that The Nationals will not be opposing this bill, but we do certainly seek to support the amendments foreshadowed by the leader of this house for the Liberals and Nationals, Mr David Davis. I will go into some of the flaws which our amendments seek to address in due course.

You cannot mention Puffing Billy without understanding and recognising the work and role of the dedicated volunteers, who for over 65 years have lovingly restored the tracks, the trains, the steam engines, the historical artefacts and the museum, whether they be retired engineers, steam train enthusiasts, local members of the public or members of the marketing community—people who just felt that they were able to provide that support and volunteerism and their skills and enthusiasm. We

pay homage to all of those wonderful people who have contributed to the phenomenon that is the iconic Puffing Billy.

Many years ago I was the mother—I still am the mother—of beautiful boys, but they are men now. My beautiful boys were very much devotees of Thomas the Tank Engine. There is nothing more fun as a parent than to be able to take your young children to a very real and live example of Thomas the Tank Engine, and we had great fun sharing that excitement with children and family. Indeed I was one of those almost half a million people who annually go to visit Puffing Billy, and it is in the western end of my Eastern Victoria electorate. It is just a beautiful place, the whole of the Dandenongs, to experience and enjoy scones, jam and cream, to go for walks among those beautiful, magnificent trees and to breathe in the air.

The Puffing Billy Preservation Society has been going since 1955. Membership has certainly played a key role in restoring and preserving the railway in terms of rebuilding the railway, getting the rolling stock back up and working, holding regular excursions and keeping it rolling along. Many of those society members have also been active members of the Emerald Tourist Railway Board (ETRB) volunteers, and they continue to do significant and important work. But we also know that throughout this period of time a once largely volunteer organisation has now seen around 70 members of the public working and employed there. So they are being employed by the railway.

The purpose of this bill specifically is to establish the Puffing Billy Railway Act 2022 and repeal the Emerald Tourist Railway Act 1977. It recognises the need for ongoing management for the sustainability of Puffing Billy as a significant tourism attraction, but it also improves the governance arrangements and practices to align with modern standards.

I listened intently to Ms Maxwell's commentary in relation to the rationale and the reason this bill has been brought before the house. It really has been catapulted here, rightly, because of the Ombudsman's investigation in 2018 into child sex offender Robert Whitehead's involvement in Puffing Billy and other railway bodies and then the subsequent report. Now, this was really a very sad and chilling and cruel chapter, of a depraved individual hunting children when they should have been enjoying the very wonderful experience that the railway had to offer—and indeed family members of those that volunteered. They were the victims, and now as adults they are victim-survivors, and I hope this legislation goes some way to healing some of those scars that they have experienced in coming forward through this. I appreciate it and apologise if this bill today causes them distress, but it is moving forward.

Deborah Glass is a very classy woman, I believe. She has a 10-year tenure. She operates with impartiality. She looks for transparency, and she does so with rigour. This report at the time I know was quite extensive, sifting through a whole raft of documents and really getting to the detail. One point that I would like to raise that she raises in the report is:

Importantly, the Royal Commission made a series of recommendations for governments and institutions to better protect children and to respond to the needs of survivors. These include preventative measures, in particular, Child Safe Standards which should be adopted by all institutions involving children; as well as a National Redress Scheme to help people who experienced child sexual abuse.

Now, I raise this from this report, and I want to focus on identifying child safe standards. They are important principles. Our schools—state and private schools, independent schools—have adopted these child safe standards. Our disability sector have adopted these child safe standards. But they are not just words on a page, they need to be enacted and activated. Any and all of those institutions—whether they are schools or whether they are a very important tourist organisation—anywhere where there are children, these have to be active. I say that because I get concerned that one of the resources and referral agencies—that is, the checker of these child safe standards, the Commission for Children and Young People—is not adequately resourced, and I urge the Andrews government to provide that adequate personnel and resourcing so that the commission can actually provide the oversight, the people, to investigate issues where they need to. I place that on the record because standards are good,

they are very important, but they have to be actively enforced and managed. And I also call on all of those people, whether they be volunteers, teachers or the like, to be vigilant to uphold those—and thousands and thousands do, and I appreciate that very much.

The Ombudsman's report certainly recommended a review of the current structure in relation to these governance issues, and I note that all of the members that were on the Emerald Tourist Railway Board and the preservation society at the time of the abuse subsequently resigned, many moons ago. Part of her recommendation was that the government apologise 'on behalf of the ages', we will say, and indeed Minister Pakula did that in 2019, and rightly so.

Drilling down in reference to the bill, it establishes the changes to the Puffing Billy Railway Board. It provides objectives and functions and powers for the new board. It transitions to—I like it when it says this—a skills-based board with a minimum of five and a maximum of 10, and I will go into that in a moment. It also lifts the bar in terms of the amount of money that can be spent without ministerial approval. As time marches on, less is more, and it lifts that bar, which is important. And it also goes into strategic planning.

One of the key things that is a frustration to some of the constituents of mine who have contacted me relates to the infrastructure and assets of the railway, and I will go into that right now. In relation to the ownership of resources, some of the members of the Puffing Billy Preservation Society are aggrieved that they have gone from being a large and dedicated volunteer resource that saved the railway to having this increasing disconnect with the ETRB. One of my constituents, David Paroissien OAM, from Inverloch—this is how far some of the residents can actually travel and commit themselves to the Puffing Billy Railway—was very frustrated with the government in the lack of consultation, he raises. Also, he raises about the board members, and I quote from his letter to me:

The office bearers of the Preservation Society are the ... ones devoted to preserving and promoting the railway, why are they then disqualified from appointment to the new Board?

I think he relates to the numbers—so when they reach that cap, even if they have fabulous skill sets, they are no longer able to be on that board. He raises questions in that. He also sent to me a document that I know went on to Minister Pakula on 16 March. It relates to, one, the definition of 'Puffing Billy' as a railway but specifically land owned by the Puffing Billy Preservation Society. It goes on to list a number of the different lots and lands that they have under their jurisdiction, but they are concerned about that carve-up and what that will mean. We have presented for the house some amendments that should go to ensuring that the volunteers still have a voice and will be able to provide that feedback to government and to the new board. The document also goes on to talk about the avoidance of conflict without alienation of the volunteers—and I have put that on record—and the importance of continuing to build good bonds over what have been some dark times there. That was signed by Simon Nunan from Eastern Bridge. I know the government have that in their hands and should be working on, I understand, some house amendments.

In finalising, going to our amendments that Mr Davis has foreshadowed, these insert a new clause in relation to the stakeholder consultative committee, which will really provide that engagement, recognition and retention of volunteers, a very worthy and worthwhile inclusion.

Finally, I would just like to thank Cindy McLeish, our Shadow Minister for Tourism, for the work that she does in this space. I know she has worked very hard. As I said, The Nationals will not be opposing this, but we certainly ask the house to support our amendments and we will look favourably if the government can provide those house amendments if they then strengthen some of the flaws that are in this bill.

**Mr MELHEM** (Western Metropolitan) (14:23): I also rise to speak on the Puffing Billy Railway Bill 2022—the Puffing Billy bill. I was going to talk about whether it is Bill or Billy, but I think everybody knows him as Billy. Puffing Billy is probably one of the most loved icons in the state of

Victoria. Even Mr Finn enjoyed his time when he took his kids to Puffing Billy. He even had a ride, I believe, on Puffing Billy.

**Mr Gepp:** No, he didn't.

**Mr MELHEM:** He didn't? Maybe he did not pay for his ticket.

**Mr Gepp** interjected.

**Mr MELHEM:** That's right. He tried to sneak in, and obviously they would not let him in. Puffing Billy is a Victorian icon. It has been going for 121 years. For 121 years it has been enjoyed by Victorians, Victorian families and tourists alike. I remember the many occasions we took our own kids to have a ride on Puffing Billy. They enjoyed it enormously. It was the 'choo choo'—the train—we used to call it, as my son used to call it. You would be able to sit on the train and put your legs out and enjoy the ride. And in the next few weeks we will have the famous run as well, where people are able to go and race Puffing Billy, and I am sure maybe some members here may be participating in that fun run. Maybe Mr Finn, Mr Gepp and I could go and have a run and enjoy the race, which is I think on 1 May this year.

**Mr Finn** interjected.

**Mr MELHEM:** No, no, I think we should participate in walking and running, Mr Finn, and be fit. You and I can do with a bit of fitness.

This bill, while it is straightforward, does address a number of issues which have been brewing for a number of years, and I think previous speakers talked about the Ombudsman's report, which the government is responding to to implement the changes to make sure we have a modern framework to futureproof the operations and governance of the attraction so it will operate more effectively and continue to draw visitors to the Dandenong Ranges for years to come. It is also changing the name, currently the Emerald Tourist Railway Board, to the Puffing Billy Railway Board to prevent confusion and reflect the more commonly known name of the railway.

Also the bill's provisions in relation to the operation of the railway include requiring the board to develop a strategic plan and empowering the minister to make written directions and request information. Now, it is important to make sure we have got modern legislation to enable the efficient running of the railway. The opposition has a number of amendments, which were circulated by Mr Davis this morning. I will just flag that the government will have some house amendments which the minister will be dealing with later on. On the proposed amendments by the coalition, just for the record I can say the government has engaged with the opposition in relation to these matters, and the house amendments proposed by Mr Davis on behalf of the opposition are proposed to address some of the areas where the opposition has noted further strengthening of the heritage significance and consultative clauses. So that will be dealt with shortly, but also the member for Eildon—I think her name has come up a few times in the debate so far—raised further queries in relation to the inclusion of the definition of the rail corridor. The bill does include a reference to the rail corridor plan in clause 33(2) of the bill, which sets out what must be included in the rail corridor plan. I will read that:

A rail corridor plan must set out how the rail infrastructure, facilities and rolling stock forming part of the Puffing Billy Railway are to be maintained for the course of the plan.

The inclusion of a definition for the railway corridor is not supported by the government. The reason for that is that advice provided by the Department of Jobs, Precincts and Regions to the Office of the Chief Parliamentary Counsel considered it a redundant definition that was not used elsewhere in the bill. So that is the reason why we are not supporting that definition.

The bill, as I said earlier, responds to the Victorian Ombudsman's report, which was released in June 2018, *Investigation into Child Sex Offender Robert Whitehead's Involvement with Puffing Billy and Other Railway Bodies*. Having listened to Ms Maxwell earlier today in her contribution, I think that was a really dark period in the history of Puffing Billy, and it is something no-one should tolerate or



accept. Having someone working or volunteering for decades and being involved in child molestation and sexual abuse is abhorrent, and I think that is something that should be condemned and should not be happening, full stop. So this bill is partly responding to that to make sure we have proper governance in place and we have checks and balances to make sure these sorts of things do not occur again. This is an obligation we all have, to make sure that families and children in particular, who love going to Puffing Billy, are not taken advantage of or sexually abused by anyone—and hopefully we can put that episode behind us.

I have talked about the board operations. The bill supports the growth and sustainability of the Puffing Billy Railway Board while also recognising the heritage significance of the railway and the significance of its volunteers and its importance to the local community. It is about trying to strike some sort of balance between making sure we have got an efficient railway, a safe railway, and also supporting the great work of the volunteers, who put a lot of their time, effort and expertise into making sure Puffing Billy remains operational. I think it is fair to say that without the contribution of the volunteers, Puffing Billy would not be operational today. I think that is a fair statement. Mr Davis mentioned earlier that successive governments have put in a lot of resources and investment to make sure that continues, but can I just say in relation to our government that the Victorian government is a strong supporter of Puffing Billy Railway, which attracted around half a million visitors annually prior to the pandemic. I am looking forward to us getting those numbers of visitors back, and I am sure we will, going forward; hopefully we can put the pandemic behind us. \$11.2 million was provided in the 2021–22 budget to protect local jobs, support its operations and help it to recover and draw tourists and daytrippers back to Puffing Billy, because that is the key. Having tourists come back or just day-to-day Victorians able to go and enjoy a ride on Puffing Billy is very vital to its ongoing operation.

It is further strengthened as a tourist attraction by the recently opened state-of-the-art \$24.8 million Lakeside visitor centre. The Lakeside visitor centre was backed by a further \$12.7 million commitment from the Victorian government and boasts world-class facilities for tourists, daytrippers and school groups as well. So the government has supported it and has invested heavily in making sure Puffing Billy's operation continues strongly into the future and will continue to do so to make sure we maintain this wonderful attraction to be enjoyed by many Victorians and also to attract tourists. One of the areas when people come into Victoria that they look at is the Dandenong Ranges, and one of the first features is Puffing Billy. Some people might want to go to the Yarra Valley, for example, and other places in the Dandenongs, but Puffing Billy, for tourists in particular with young families, is one of the main attractions.

It is important to make sure that we have got sound legislation or regulations put in place and infrastructure, both human infrastructure and physical infrastructure, put in place to make sure Puffing Billy continues to operate in an efficient manner and most importantly, as I said earlier, in a safe one as well, because people want to be able to feel safe when they go and visit. We do not want to have a repeat of what happened previously, and we want to make sure that families are able to go there—and workers; there are a lot of volunteers—and make sure they feel safe. I think we would all love to see Puffing Billy go from strength to strength.

I just want to conclude by congratulating the Minister for Tourism, Sport and Major Events for basically addressing all of the concerns that were raised in the Ombudsman's report and for the investment the government is putting in. But more importantly I want to give a shout-out to all the volunteers and all the people involved in operating Puffing Billy and making sure it gets back to its glory days post pandemic and becomes again a place of enjoyment for many, many, many years and decades to come. Victorians will go back, hopefully, post pandemic, and have a ride on Puffing Billy, and hopefully we will welcome tourists coming back to Victoria and enjoying the wonderful scenery when they are having that beautiful ride on Puffing Billy.

Mr Finn, maybe you and I can do the run on 1 May, so let us start training. We have only got about four weeks. And Geppy will come along, and Mr Barton. So with these comments I conclude my remarks, and I support the bill.

**Ms BURNETT-WAKE** (Eastern Victoria) (14:36): I rise to speak on the Puffing Billy Railway Bill 2022. Puffing Billy is iconic. It is one of the biggest tourist attractions in Eastern Victoria Region and one that we are very proud of where I live, in the Dandenong Ranges. In fact I live so close to the railway that I can hear its whistle often. Like many of us in this chamber, I have fond memories of trips on Puffing Billy as a child. I sat in the window with my legs dangling over the side as the train made its way from Belgrave up to Gembrook. I have since returned with my family on many occasions, and my children enjoy it just as much as I did. It is a timeless family destination. In fact we see how the children love it so much; often I am caught at a railway crossing and all the children are hanging out the side waving, and we love nothing more than to wave back at them. It is absolutely fantastic. For us Puffing Billy is a fun day out and a place where everyone enjoys themselves.

However, the bill before us today comes as a result of the 2018 Ombudsman's report, which is *Investigation into Child Sex Offender Robert Whitehead's Involvement with Puffing Billy and Other Railway Bodies*. What happened at Puffing Billy was abhorrent. It occurred over many years and has led us to discussing this bill today. I was not a member of this chamber when the minister apologised to the victim-survivors, but my thoughts are certainly with them all. The Ombudsman's report clearly highlights significant failings in governance of the railway. There are limited reporting requirements under the current act, the Emerald Tourist Railway Act 1977, which led to many problems and unfortunately cover-ups. This bill seeks to repeal the Emerald Tourist Railway Act and replace it with this new act. The Emerald Tourist Railway Board as we currently know it will undergo a name change and be known as the Puffing Billy Railway Board. The board will change to be a skills-based board made up of a maximum of 10 members. A number of my constituents have reached out with concerns around this, which I will return to in a moment.

The bill provides for the ongoing management and sustainability of Puffing Billy as a significant tourist attraction. It also gives the board powers to implement corporate governance and policies, and importantly it vows to maintain the heritage significance of the railway. This is an important aspect—to maintain the heritage. This railway is 121 years old. We want to see it continue to thrive as one of our premier tourist destinations. Pre COVID it was attracting over half a million visitors each year. The railway was sadly closed in 1954 after a string of financial losses and a landslide, which blocked the line between Selby and Menzies Creek. Melbourne newspaper the *Sun* organised a final farewell to Puffing Billy. Over 2500 tickets were sold to ride on the train one last time, but over 30 000 people turned up to the gates. It was this show of public support that sent locals into protest to save the train. They formed the Puffing Billy Preservation Society, which still exists today and can now rightfully boast it saved Puffing Billy.

Puffing Billy holds a place in the hearts of many Victorians—and not just the public who love to visit it. It is the reason many of my constituents get out of bed in the morning and spend many hours volunteering at the railway. It is historically significant to the Puffing Billy Preservation Society. I understand there is some strong tension between the preservation society and the current board. This bill has created some further concerns which I think are important to address.

I was recently contacted by a constituent, David Paroissien, who has been a Puffing Billy Railway volunteer and member of the preservation society for 60 years. That is decades and decades of volunteering to make Puffing Billy the great attraction it is today. Like many of the volunteers, David feels that after years of dedication to the railway this bill is seeking to push him and others in the preservation society out. If passed, as the bill stands, the Puffing Billy Railway Board must consist of at least five but not more than 10 directors appointed by the Governor on the recommendation of the minister. The bill goes on to state that no more than two directors can have been members of the Puffing Billy Preservation Society in the last 12 months and that anyone with an elected position within the society is not eligible to be appointed to the board. Numerous constituents have contacted me, concerned that this limits the input of those most interested and concerned with the preserving of the railway. These are the people who joined the society for the very purpose of preserving the railway, and they are having their involvement limited or prohibited in some circumstances.

Under the current act, four out of 10 board members are nominated by the preservation society. The bill before us today seeks to halve their involvement and limit it to two. The existing composition was obviously far from perfect. Poor legislative drafting meant control of the board effectively defaulted to nominees of a group of volunteers. Running a board requires many skills. Local knowledge of the preservation of trains is one very important aspect, and so is knowledge of organisational governance and business responsibilities. This new skills-based board is intended to allow people with relevant skills to make up the board. However, the society members I have spoken to would like more of a say. They wish that the terrible mistakes of the past society will not condemn all current society members.

These constituents have raised with me that it is the office-bearers of the preservation society who are the most devoted to preserving and promoting the railway and that they are the ones disqualified from appointment to the board. Members of the society may have the skills required for the skills-based board, but because of their membership of the society they are limited in how many can be appointed. Why, I ask, is there not a maximum of two board members for other people with common affiliations? These society members feel they are being victimised and discriminated against due to the failings of Victorian Railways, the old board and the old society. Those people have moved on.

One of the objectives of the new board is to recognise the importance of volunteer participation in the operation of the Puffing Billy Railway. This is particularly important because volunteers play an invaluable role in the operation of the railway, and they want that to continue. They deserve to be respected for their years of dedication and hard work, and I am pleased to see them recognised in this bill. There is, however, no clear direction as to how volunteers will continue to be engaged in the operations of the railway. Volunteers feel a bit left in the dark about their future involvement, and I know they would like to see this bill delayed so there can be greater consultation about how it will work moving forward. To note some of the concerns, I am going to quote directly from a few constituents who have contacted me. One constituent has said:

... it would seem that all those efforts are to be disregarded and that the new Board will assume full control of the railway without any reference to or consultation with those to whom the railway owes its very existence.

Another said the bill's sole aim:

... is to vest control of the railway with the minister to the exclusion of the Puffing Billy Preservation Society—the passionate group that saved the railway 60+ years ago and created one of Australia's most successful tourist attractions.

Now, one of the biggest concerns about this board composition is: what will happen to assets? There is a heated dispute about asset ownership between the society and current board. When the preservation society formed to save the railway, they raised funds, bought equipment and repaired tracks and rolling stock.

The land surrounding Puffing Billy is a mix of board land, freehold parcels owned by the preservation society, various other leases and licences and Crown land. The bill enables the new board to grant a lease, licence or easement over any land vested in, owned, leased or managed by the new board. This has created concerns that parcels of land may be acquired by stealth. They can create proprietary interest in land they merely lease, which would push out the rightful owner. There have already been disagreements about land and asset ownership. These volunteers do not need the added pressure and cost of court cases over land and asset disputes. If this bill intends to bring about positive change, that should not be happening. I am concerned that through the inadequate wording of the provision it does not resolve conflict but instead leaves the door open for future conflict and court action over assets and land.

The reasons we are seeing this bill are clear: there were substantial failings that occurred at the Puffing Billy Railway, and skills-based governance and oversight are needed. However, the Puffing Billy Preservation Society is made up of volunteers who are emotionally invested in this railway. Mr Davis did put forward the opposition's amendments for a consultative committee to be established and meet twice a year, with three members of the preservation society on it. This will allow the Puffing Billy

Preservation Society a seat at the table to continue providing their valuable insight while allowing for a new skills-based board to come in and improve governance. There would also be room at the table for people who represent community groups and historical societies—local knowledge is valuable knowledge. The amendments strike a balance between improved governance and the rights of community and volunteers to have a continued voice. I understand the house will also be bringing forward amendments. I have not seen them, but I hope that these amendments would address and achieve the same things.

**Mr BARTON** (Eastern Metropolitan) (14:47): I rise to speak on the Puffing Billy Railway Bill 2022. I will just address the opposition's amendments. I will be supporting those amendments. I believe this stakeholder consultative committee will recognise the important contributions of volunteers and Puffing Billy enthusiasts to the Puffing Billy Railway. Absolutely the Puffing Billy Railway Board should be founded on transparent and accountable modern governing structures. This bill achieves that, although there is space for the Puffing Billy community to be involved as stakeholders whose views can be consulted. The committee would be made up of members who represent community, service groups, historical societies and the Puffing Billy Preservation Society. This would ensure that all different stakeholders with different perspectives are heard in the consultation process. While these amendments require that the stakeholder consultative committee must meet twice a year, there is no provision that requires the board to adopt the considered advice; merely that the advice can be given.

I think these amendments have found a sensible balance between recognising both the historical contribution of volunteers and members of the Puffing Billy Preservation Society and the need for greater accountability and modern reporting mechanisms. This is a significant, dedicated community who take great pride in their contribution to preserving the Puffing Billy Railway, and they should be encouraged to continue contributing into the future.

**Mr TARLAMIS** (South Eastern Metropolitan) (14:48): I also rise to make a contribution on the Puffing Billy Railway Bill 2022. The Puffing Billy Railway is one of Victoria's most popular and iconic attractions. The Puffing Billy Railway Bill repeals and replaces the Emerald Tourist Railway Act 1977. The bill provides a modern framework to futureproof the operation and governance of the attraction so that it can operate more effectively and continue to draw visitors to the Dandenong Ranges for years to come. The bill changes the name of the Emerald Tourist Railway Board to the Puffing Billy Railway Board to prevent confusion and reflect the more commonly known name of the railway. It modernises provisions relating to good governance practices and the operation of the railway, including requiring the board to develop strategic plans and empowering the Minister for Tourism, Sport and Major Events to make written directions and request information.

The bill also provides a new legislative framework for the Puffing Billy Railway that supports the railway's future growth and sustainability as a state significant tourism attraction. The bill provides a range of objectives for the Puffing Billy Railway Board, including:

- to ensure the economic sustainability and viability of the ... Railway;
- to maintain the heritage significance of the ... Railway;
- to manage and promote the safe operation ...
- to promote the tourism offering of, and to enhance the visitor experience provided by, the ... Railway and the surrounding region;
- to recognise the importance of volunteer participation in the operation of the ... Railway;
- to promote understanding of and education relating to rail heritage;
- to promote the preservation of narrow gauge rail heritage;
- to develop and maintain partnerships with community organisations and businesses;
- to develop and maintain harmonious relations between the Board and the community;
- to provide a safe, inclusive and diverse working environment for employees and ...

workers. The bill also stipulates a range of functions of the board that are relevant to the contemporary operation of the railway, including:

- to operate, manage and maintain the infrastructure and assets of the ... Railway in a safe, effective and efficient manner;
- to manage volunteer engagement with the ... Railway;
- to develop suitable marketing and communications strategies for activities relating to the ... Railway;
- to report to the Minister as required under this Act ...

The bill responds to a Victorian Ombudsman's report released in June 2018, *Investigation into Child Sex Offender Robert Whitehead's Involvement with Puffing Billy and Other Railway Bodies*. The Ombudsman provided a suite of recommendations, which the Victorian government accepted in full, including to review the current structure and composition of the Emerald Tourist Railway Board. The bill addresses findings and recommendations from this investigation and related reviews into the Emerald Tourist Railway Board's operations that found that the existing act contained outdated and redundant provisions that required updating in a contemporary tourism environment. The bill will support the growth and sustainability of the Puffing Billy Railway Board while also recognising the heritage significance of the railway, the significance of its volunteers and its importance to the local community.

Puffing Billy volunteers make a vital contribution to the operation of the railway through driving locomotives, preserving trains and track maintenance, and this bill includes an objective of the board to recognise the importance of volunteers and their invaluable contribution to the running and preservation of the historic railway. The Puffing Billy Railway is supported by 300 volunteers, including many from the Puffing Billy Preservation Society. I think we can all agree that they do an amazing job.

I think many in this chamber and this Parliament would have their own personal experiences of riding on Puffing Billy over the years, either as a child or in later years as they have grown up, and could tell stories of themselves, their children or family members and their time spent on the railway or on activities associated with the railway—very fond memories. I think it is important that that can continue for future generations as well so those memories can continue to be created for future generations.

Volunteers, as with many activities and many things, are integral to many organisations, and Puffing Billy is not unique in that. The volunteers associated with it do an absolutely amazing job and should be commended for the work that they do. They are instrumental in its success, and they need to be supported and acknowledged at all stages. This bill seeks to ensure that they are recognised for the work that they do and that they are supported. The express recognition of volunteers in the bill will have a positive impact on the volunteers' engagement at the railway.

The Dandenong Ranges have been home to Puffing Billy Railway for 121 years, with generations of families making lifelong memories at this loved attraction. As I said, there are many fond memories created by many families at this attraction, but not just this attraction—the Yarra Ranges and surrounding areas are much loved. Puffing Billy is one attraction in the area. There are many other lovely places up there in the valley. I know my family spent a fair bit of time up there enjoying the surrounds, the wonderful scenery and the many activities that there are in the region. Some weekends up there it is very, very busy and very difficult to get in because it is a very popular area. I know post the pandemic it has become even more popular as people seek to get out and about and make up for the time they have spent away from others and inside and seek to get out and enjoy the countryside and wander and experience the fresh air.

Places like the Yarra Valley are places that people flock to to experience the wonders of it, and it is busier than ever. That is why it is important that we do what we can to support institutions like Puffing Billy to ensure that it gets the support it needs so that it can support the level of tourism that it receives.

That is why the Victorian government is a strong supporter of Puffing Billy Railway, which attracted around 500 000 visitors annually prior to the pandemic, with \$11.2 million provided in the 2021–22 budget to protect local jobs and support its operations as it recovers and draws tourists and daytrippers. It was further strengthened as a tourist attraction by the recently opened state-of-the-art \$24.8 million Lakeside visitor centre. The Lakeside visitor centre was backed by a \$12.7 million commitment from the Victorian government and boasts world-class facilities for tourists, daytrippers and school groups. It honours the rich history of the century-old heritage railway through a collection of steam-era attractions and an immersive multimedia experience. The centre boasts a range of dining options featuring seasonal produce from the Yarra Valley and the Dandenong Ranges as well as a high-tech function space to host workshops, conferences, events and school excursions. Two-thirds of Puffing Billy Railway's suppliers are Victorian companies as well, making sure that we are always supporting Victorian companies throughout the supply chains as well.

The bill will support Puffing Billy's partnerships with Dandenong Ranges and Yarra Ranges businesses, including wineries and gourmet producers, to showcase the region and their products to visitors. In February 2022 the return of the time-honoured tradition of sitting on the sills for trains running from Belgrave to Lakeside station was also welcomed by the community. It has been a very long time since I have done that, so maybe that is something that I will look at doing again. I will go out there and have a crack at that. It has been a long time since I have done it. I cannot remember the last time I did it, so maybe I will get up there and do that. Maybe I will take a selfie doing it and pop it up on Facebook.

**Mr Finn** interjected.

**Mr TARLAMIS:** Maybe we will make it a bipartisan thing. I will get one of my colleagues from the other side of the chamber and we can go up there and do it together, because it is always important when you can come together in a bipartisan fashion to support important initiatives like this bill. I am sure with your support today we will pass this bill, and to seal the deal on passing this bill in a bipartisan fashion today we can do a selfie sitting on the sills of Puffing Billy.

It is great that the return of this iconic experience will deliver significant benefits to local businesses as visitors get back to enjoying the things that they love with family and friends. Puffing Billy is a major driver of the local economy and families from all over the world can enjoy the magic of the steam train rides through some of the most beautiful scenery in Australia. The Puffing Billy Railway Bill will ensure this iconic experience can continue well into the future, as I said earlier, and again, we would all have very fond memories of Puffing Billy, but if we have not, we should make them. If you do not have a fond memory of Puffing Billy yet, there is plenty of time for you to make a memory.

**Mr Ondarchie:** Can you use your Myki card?

**Mr TARLAMIS:** I do not know. That is a good question. Maybe you could ask that in the committee stage; I do not know. But yes, if you do not have a fond memory, what are you waiting for? Come along down to Puffing Billy, make yourself a new memory. This is a plug: come on down to Puffing Billy. Do not waste time, get down there this weekend.

**Mr Ondarchie:** You have still got 4 minutes, mate.

**Mr TARLAMIS:** I think I am done. I do not think I can fill the 4 minutes. With those words, I commend the bill to the house.

**Ms SHING** (Eastern Victoria) (15:00): What an act to follow. We have taken a pretty significant journey today through the history of Puffing Billy. There are a few puns to follow, so walk with me as we take this tour through history and indeed the stunning landscapes of the eastern Dandenong Ranges. I want to echo a number of comments made by Ms Burnett-Wake in her contribution, which referred to the iconic status of Puffing Billy as a destination and an experience and a sense of local identity wrapped up in narrow-gauge tracks that wind their way from Belgrave right through to

Emerald and then on to Gembrook. Puffing Billy is a series of stories, and it is many, many generations of love and of pride, of time and of energy and, in too many cases, of tragedy.

I am going to make a brief mention of the offences that occurred which were then the subject of the Ombudsman's report and of subsequent recommendations which are being addressed by this bill. I want to acknowledge the apology that was given in relation to these matters and the pain and distress that was caused to those victims and survivors of the offences, which are in the public domain and have been the subject of a lot of discussion about how we can and indeed must make sure that matters like this do not occur ever again and that prevention is part of what it is that we do in governance arrangements across the board, not just as they relate to tourist attractions like this one. So that is the context by which many of these changes have come to pass.

But what I want to focus on with the time that I have available is the very keen sense of connection of locals—and indeed the 500 000 visitors per annum who enjoy all that Puffing Billy has to offer—and the stories that line these tracks. Ms Burnett-Wake has referred to the closure which occurred between Selby and Menzies Creek, which attracted a vast number of people who came out in support of keeping the railway open. There are also other stories, of countless volunteers and of the nature of the preservation society and the way in which that came to be, and lesser known stories, and I am going to, as I always like to do, talk about a dog—because there was a dog by the name of Jerry.

Jerry was a small dog of indeterminate origin who landed on the doorstep one day as a stray at the household of Mr and Mrs Dickie Down. This is a true story, and it is one that I share with love and with a sense of nostalgia. Jerry loved the train. Jerry and his human, Mr Down, would frequently go to the railway line, where Mr Down would drive the train and Jerry would run alongside it, absolutely delighted to be there, absolutely delighted to be part of the magic and the excitement of a steam train wending its way through the hills. Jerry was an attraction in the same way that legs out on the sills is an attraction to this day. Jerry was unfortunately killed around the Cockatoo area when he was temporarily blinded by steam from the train—but to this day Jerry's memorial site is marked, and indeed Jerry's constant presence and the delight that he brought to thousands is remembered and remembered fondly.

It is stories like this that paint a picture of history and of community. Cockatoo is the home of lost dogs, and Jerry has a lot to do with that. There is a pub in Emerald called the Railway Dog, named after Jerry. The identity of the hills is bound up inexorably in Puffing Billy and the thread that it has woven between Belgrave on one side of the ranges and Gembrook on the other. The Eastern Dandenong Ranges Association, of which Puffing Billy is a member, has long supported initiatives such as the Polar Express, which is a wintertime treat that so many people enjoy; and the Dog Express—and you may well be picking up on a theme here—which in fact enables people to take dogs on the railway line, something which is almost immediately sold out every single time it happens.

And we saw in February this year the return of legs out on the sills for children aged 3 to 13 and adults. This is the sort of experience that means that the presence and the love felt for Puffing Billy will continue to endure. It is about making sure that the 121 years of history are recognised and respected and that the stories that they contain are told over and over again.

This is where the Lakeside visitor centre, adjacent to Emerald Lake, is such an important touchstone for these stories to be told. For anyone who is yet to actually attend the Lakeside visitor centre to make a day out of it, with a trip from Belgrave to Gembrook and perhaps a stop-off and a picnic along the way, the Lakeside visitor centre offers the most extraordinary opportunity to see steam-powered locomotives up close and personal, to see re-creations and to see tours and information that tie Puffing Billy and its work and its achievements and the work of its volunteers back to the location in which they occurred.

CEO of Puffing Billy Peter Abbott is an extraordinary advocate for the work that Puffing Billy does and for the work that its volunteers continue to do. This is a passionate group of gunzels with a very

historical passion for the specific detail of Puffing Billy over the years. These are important oral historians who are a key part of making sure that Puffing Billy continues to play a profound role in the landscape and indeed in the tourism and economic benefits that flow not just to the Dandenong Ranges but also beyond—to the Latrobe Valley and the western Gippsland areas and the tourist railway around Walhalla, Rawson and Erica—and then also as the gateway to the Yarra Valley, with all the vineyards, the ballooning, the restaurants and other experiences that can take place there and indeed do.

So this bill is in fact not just about giving effect to the Ombudsman's recommendation. It is not just about recognising the context by which the apology was given by Minister Pakula in the other place in response to the Ombudsman's report and in recognition of the trauma, distress and injury sustained by victims and survivors. It is about making sure that governance arrangements, as established, are done within the lens of risk management, are done within the lens of best practice and in fact are consistent with the way in which other boards operate. I want to commend people who have been part of the discussions on this bill to date, and I also want to confirm that the towns, communities and shires stand united in wanting Puffing Billy to be able to continue its work for decades to come.

Ms Burnett-Wake talked about earlier the sound of the steam making its way into the sky around the hills, and this was something that was missing for a really long time during the pandemic and during lockdowns. It was as though people were missing birdsong, where all of a sudden it was too quiet, where the boom gates on the only acceptable level crossings in Victoria failed to come down. This all changed once the pandemic recovery got underway. The sound of that steam escaping into the mountain air signified that the pandemic was not only something from which communities could recover but something which we could actually make sure was consigned to a chapter from which we could move on.

The hinges upon which communities operate range from the Emerald Village Bakery and Cafe right out through to Gembrook and that bakery—there are a lot of competing bakeries in the hills, all of which are excellent, I should say—right through to restaurants such as the Station House, just next to JAC Russell Park in Gembrook, which is 'Jack Russell park'. That is my third reference to a dog and thus the trifecta for the purposes of *Hansard* bingo. But there are also iconic restaurants. This is an area which is becoming well renowned for gastronomic inventiveness and also for the most extraordinary hospitality. The Independent is another excellent locale; Mr Tarlamis is agreeing with me there. Indeed we are seeing visitors come from far and wide for these intergenerational, multifaceted experiences.

I have walked the trail that wends its way alongside the tracks from Cockatoo up to Emerald, and the views are nothing short of spectacular. But to see a steam train join you for part of that walk and to see kids, adults, sometimes dogs and Ms Burnett-Wake, for example, who is waving at me from across the way, in fact enjoying that experience and looking out upon the same vista that I have enjoyed is nothing short of extraordinary. It is something which we deserve to continue to be able to enjoy, which our children and our grandchildren deserve to be able to enjoy and which our forebears have indeed worked so hard to contribute to over the years. It is something which we want to make sure is given the respect and the resourcing and the storytelling opportunities that are there in abundance to be had, if indeed governments of all persuasions are prepared to invest in them. It is a story of resilience and of history. It is a story of the little trains that could. It is a story of having overcome adversity. It is a story of tragedy and of change.

I want to, with the moment of time that I have available to me, touch on recognising the heritage significance of this railway. As we move at a pace which increases with every passing year into a future that demands more and more of our technological innovation, it is always important to be able to take the time to step back and to change pace—to take change track, if you will, for the purpose of straining the metaphor. It is important that alongside other tourist attractions that encourage anachronism and an understanding of our place in the past, such as Sovereign Hill, we are in a position to be able to understand and indeed to dream a little about the world as it was in years gone by. Old Gippsstown is another example of the way in which community, visitors and indeed educators, teachers



and students from all over the region can enjoy an understanding firsthand of at least a shadow, an outline and a shape of the world from which we have come and the evolutions that continue to take place. It is not the same as hopping on your handheld device and taking a virtual trip, despite the efforts that were undertaken to enable us to enjoy slow train travel during the pandemic and the worst of the lockdowns. This is about the smell of diesel, this is about the sound, this is about the undulations and the suspension of carriages as they travel over closely bound tracks from one destination to another. This is about, as Mr Tarlamis alluded to in his contribution, making memories. There are photo albums all the way around the country and indeed around the world which show the joy that Puffing Billy has brought and which show the hope, the enjoyment and the potential and collective appreciation for this railway. 121 years is a long time. I look forward to not being here when Puffing Billy celebrates its next 121st anniversary. I wish it well. I thank everyone who has contributed to its maintenance, to its profile, to its evolution and to the grand old stories of history continuing to be told over the years.

I look forward to the matters in this bill resulting in a more careful understanding of the way in which risk is managed. I hope—and I hope that others will join me in this—that Puffing Billy will stand the test of time in the same way that our Parliament has and does and will. I look forward to stories such as those of Jerry, the indeterminate little stray who ran so happily alongside the tracks, being told for generations to come. This is a bill which I commend to the house. Puffing Billy is an icon which I commend to anyone who is interested in visiting it. I thank everybody who has been involved in the discussion around the development of this bill and indeed every single person who contributes to the hospitality, the generosity and the passion that are such a part of living in the Eastern Dandenong Ranges and such a part of the identity within Eastern Victoria Region, which I am proud to represent in this place. On that basis I commend the bill to the house.

**Ms PATTEN** (Northern Metropolitan) (15:15): I rise to speak to this bill. The fond memories and the fun stories that Ms Shing told about Puffing Billy are so true, and it is this wonderful, iconic part of Victoria and part of our history, part of many of our childhoods and part of happy childhoods for many to come. However, that is not why we are doing this bill. The reason we are doing this bill is the nightmares that occurred as part of Puffing Billy.

From the outset I would like to thank the Ombudsman, Deborah Glass, for her telling review into the governance structures that allowed the harm to happen, that did not stop the harm from happening, that did not have the structure to prevent this. I would like to think that it was not wilful blindness, I would like to think it was not indifference and I would like to think it was not ineptitude. But here we have a circumstance where a lifelong sex offender, a volunteer at Puffing Billy, was allowed to continue to work there for nearly 30 years. He was first convicted in 1959 and was given his job back after he was released from jail. That would be unheard of today. I am so pleased that that would be unheard of today, and I am so pleased with the work that has been done around institutional child sexual abuse. Ms Crozier chaired one of those very fundamental reports into changing that, and we have seen royal commissions into this.

This bill goes towards amending some of those errors that occurred so many years ago. But it was that poor legislative framework under the existing act, the Emerald Tourist Railway Act 1977, and the inappropriate board and management composition which enabled that executive committee of the Puffing Billy Preservation Society to control the Emerald Tourist Railway Board. The conclusion was that it was the lack of processes and the lack of governance that facilitated—the Ombudsman used the word ‘facilitated’—the offending.

That is after the fact now. I do not think this is closing the gate after the horse has bolted; this is ensuring that nothing like this ever happens again. We have done so much, as I say, not only in our inquiries but also in our legislation here to ensure that structures are in place to make sure that this is never repeated. Even more recently we have addressed things like the confessional seal in this place, where we have just said, ‘There is no excuse. There is no governance. There is no excuse for not reporting child sexual abuse and not stopping it’. In many ways this bill goes towards that. I am very

pleased that it also does a number of other things but that it ensures, I hope, the longevity of this most iconic attraction that hopefully will bring much joy to generations to come.

But we are still having to address and we are still having to face up to the past. We are still having to face up to the things that we let happen. I remember releasing a report called *Hypocrites* back in 1994. I received death threats for doing that. I received a threat: ‘How dare you? How dare you name people who have been convicted of abuse? How very dare you do that?’. That has changed in the last 30 years, and I am so pleased that it has changed. This bill ensures that we make certain that it can never happen again.

I do want to speak about the Puffing Billy Preservation Society. It was established in 1955, with the objective of preserving the railway and its historical assets for future generations, and it has done just that. It is a wonderful society. It saved the Puffing Billy initially. It owns rolling stock. The society operates today with over 1000 current members. Several hundred of those members volunteer on the railway, and their contributions continue to be critical to the sustained operation. This bill also enables some of that to happen, but I think it possibly could be improved to really recognise the tireless work of the Puffing Billy Preservation Society. I mean, they do the maintenance on the tracks, they preserve the locomotives, they drive the locomotives. It is volunteer led, and this is truly wonderful. I just think it is so important to commend the very fine work of that society.

I know many of you would have received emails from many of the volunteers from the Puffing Billy Preservation Society who are really feeling like they are being brought into disrepute by this bill, and they are not. They are wonderful volunteers. They are people who do amazing things for our community, who continue this beautiful tradition of the Puffing Billy. The current members only acted appropriately, they have never done anything wrong and they are respected, and it is important that their voices are heard. As I said, I know many of you would have received emails from them, and I thank them all for their advocacy here, because they are volunteers; they do not necessarily have time to look at legislation and be kept up on the goings-on of the Victorian lower house or even the upper house.

I would like to particularly do a shout-out to Jeremy Paton—no relation—who is the vice-president of the Puffing Billy Preservation Society. He has been tireless in his work to keep that beautiful tradition and the beautiful stories—that we heard from Ms Shing and we heard from Ms Burnett-Wake—about the importance of this wonderful, iconic attraction here.

The Ombudsman recommended a review of the current structure and composition of the Emerald Tourist Railway Board and the governance issues associated with its relationship with the society, and that has informed many of the provisions of this bill. The Emerald Tourist Railway Act 1977 obviously is not a suitable framework, and a replacement act with these modernised provisions to effectively support contemporary operations safely is necessary, and it certainly has my support. But as Ms McLeish highlighted at length in the other place, there may be a way to achieve this that better serves the current members of the preservation society, who have not done anything wrong and have given so much to Puffing Billy. I look forward to the committee of the whole on this bill. I look forward to exploring further some of the amendments that the opposition will be putting up on this bill. But this is a modernisation of legislation. This is necessary. It does recognise the wrongs of the past. But I want to ensure that it also respects the volunteers that currently work so hard for Puffing Billy, and I want to ensure that that respect is incorporated into this legislation and that in no way do those terrific volunteers feel deprived of that through this legislation.

**Dr KIEU** (South Eastern Metropolitan) (15:25): I rise to speak to and to support this bill, the Puffing Billy Railway Bill 2022. At the outset I also want to echo several of the speakers before me and to acknowledge the tragic incidents and history associated with Puffing Billy, namely the sex offender Robert Whitehead’s involvement with Puffing Billy and other railway bodies. As a result, the Ombudsman undertook an investigation and released a report in June 2018. The Ombudsman also had a suite of recommendations and the government accepted that in full, including to review the

current structure and the composition of the Emerald Tourist Railway Board, as it is called. The Emerald Tourist Railway Board's existing operation together with the act do contain outdated and redundant provisions, so that is why this bill will update the act and also the board into a more contemporary and modernised tourist organisation, and also create a better tourism environment.

Some of my colleagues have spoken about the history of Puffing Billy. I just want to add a few things. First of all, the Puffing Billy Railway was actually constructed starting in 1899 and opened in 1900 as a working railway to support the local farming and timber industries, and in 1954 it was closed down. In 1955 the Puffing Billy Preservation Society was formed and it then was reopened around 1962, on and off, and now has become not only the iconic attraction for tourists from overseas, locals and daytrippers, but also a driving force for the local economy and a centre for education.

Steam engines were founded around the 18th century and were the driving force for the industrial revolution, and without them we would not be where we are today. The power generated by steam engines has enabled us to explore more, to transport more, to explore the world, not just for railways and train engines but also for ships and even for cars. Some of the first cars actually ran on steam engines. In 1975 when the Vietnam War ended, due to a lack of fuel some of the cars in Vietnam were actually converted to run on steam engines, believe it or not, for a while—two or three years.

The steam engine has been a driving force, and people usually associate it with a person named James Watt, a Scottish man from Glasgow, as the inventor of the steam engine and the steam locomotive. But I have to point out that that is a myth. Actually, the first man who invented the steam locomotive was a man called Thomas Newcomen in 1730 or '31. Maybe the name Thomas was borrowed for Thomas the Tank Engine. I do not know, maybe the author used that. James Watt actually was much later—15 or 20 years later. He improved and modernised the steam engine to make it more efficient and more powerful, and it then became the engine of the era.

I have to digress a little bit—please indulge me. The steam engine—James Watt did not discover it just by boiling water in a kettle and the kettle exploding, as the myth goes. Actually he did do that but much later, when the engine had already been invented. He used that to study and to experiment and to verify the laws of a branch of physics called thermodynamics. Thermodynamics is very important when you talk about the heat engine and the heat exchanger. It is still being used nowadays for our local appliances—for heat exchangers, for warming up, for refrigeration and so on. Thermodynamics is very interesting. Everyone here may have heard of the second law. You would say that technically any closed system will have entropy increase with time; it never decreases. In a looser interpretation, everything has to disintegrate; everyone will never get younger. Maybe one day we can prove it wrong, but that is essentially the very foundation or subject of physics.

The steam engine now is more of a novelty, but it is a very important place for education, for enjoyment and for tourism. I have never come across anyone who is not mesmerised by the elegance, by the romance and by the appeal of a steam engine, particularly a locomotive pulling carriages behind it and periodically puffing smoke—steam—into the air. The sight of it mingles with the sound of the whistle and also the rhythmic sound: choo choo, choo choo, choo choo, choo choo.

**Mr Ondarchie:** I want to see *Hansard* record that.

**Dr KIEU:** I do not know how they will record that, but let them try. It is the sound of the metal wheels on the track. The Puffing Billy track is actually a small-gauge track. That reminds me of my own experience. When I first came to this country, some time ago, I took a train from Brisbane to Canberra and beyond. We had to change trains at midnight. Why? Because the gauges are different, we had to change the train. I do not know whether it is still the same or not, but hopefully we have fixed that problem.

It has been a very attractive place for tourism. Also, as has been mentioned, up to 500 000 visitors a year visited this place before the pandemic. We are looking forward to bringing back that number, and even more.

At the Lakeside visitor centre there are not just the steam engines; there is also a mini museum on locomotives—different designs and different structures and constructions. Also there is some of the best local produce offered there—wine and food from that area and from around the state of Victoria. It is also a place for students and for pupils. For parents and teachers taking their children and their students to visit, it is to not only educate the students, not only the children, but also educate themselves and marvel at the amazing creations of the past.

This bill, the Puffing Billy Railway Bill 2022, is a result of the Ombudsman's recommendations. The bill will repeal and replace the Emerald Tourist Railway Act 1977. The bill provides a modern framework to futureproof the operations and the governance of this attraction so it can operate more effectively and continue to draw visitors to that part of our state, the Dandenong Ranges, for years to come and for generations to come.

It modernises provisions relating to good governance practices and the operation of the railway, including requiring a new board. The new board now will be called the Puffing Billy Railway Board instead of the Emerald Tourist Railway Board. The bill will require the newly named board to develop strategic plans, and it will empower the Minister for Tourism, Sport and Major Events to make written directions and request information when and where necessary. The bill also provides a new legislative framework for the Puffing Billy Railway that supports its future growth and its sustainability into the future as a state-significant tourism attraction.

The bill also stipulates a range of functions of the board that are relevant to the contemporary operation of the railway. Let me name some of them. They include to operate, maintain and manage the infrastructure and assets of the railway in a safe, effective and efficient manner and to manage volunteer engagement with the railway. This is very important. Volunteers are the backbone of all community organisations. Without them we would not have the manpower or the woman power—the human resources—to run and to operate many, many functions of community organisations. In fact at present the Puffing Billy Railway is supported by 300 volunteers, a sizeable number of volunteers, including many from the Puffing Billy Preservation Society, which was formed in 1955. Those volunteers not only operate the train but maintain the track, preserve the carriages and the locomotives and help with education and the exhibition of the locomotives as well.

The bill also requires the development of suitable marketing and communication strategies for activities relating to the railway. Also, importantly, the bill has a provision to report to the minister as required under the act.

The Victorian government has been a very strong supporter of Puffing Billy Railway. In the budget for 2021–22, \$11.2 million was provided to protect local jobs and support its operation as it recovers and draws tourists and daytrippers, and the Lakeside visitor centre, as I mentioned briefly, has recently opened its state-of-the-art centre after a \$24.8 million refurbishment, of which \$12.7 million actually was a commitment from the Andrews Labor government.

The return of the iconic experience will deliver significant benefits to local businesses as visitors get back, and we hope that we get back more than 500 000 in time to come, enjoying the things they love with families and friends and the memories and all the experiences they can share together. Puffing Billy is a major driver of the local economy, and families from all over the world can enjoy the magic of a steam train and a ride through some of the most beautiful scenery in our state. This bill will ensure this iconic experience can continue well into the future. With that I commend the bill to the house.

**Ms TAYLOR** (Southern Metropolitan) (15:39): It has actually been really moving to hear all the various reflections on Puffing Billy and how much it means to so many of us. Particularly the history lesson there by Dr Kieu was fabulous, because I was not aware of all the things that he was reflecting on, so that was really wonderful. It is also a great credit to all those who have contributed to the success of Puffing Billy and its sustainability for so long that it has instilled such fond memories in so many of us in the chamber.

I too have wonderful memories of going to Puffing Billy. I can still remember the smell, and obviously the vision of the beautiful greenery around there is just delightful. It was just so exciting as a child, but I think the most profound thing for me about Puffing Billy is the way that it drew various family members together—so when I think of Puffing Billy I think of family outings. That is why I have such deep sentiment for it, because it was always with—well, at least at a minimum—our nuclear family, including my brother and so forth, but quite often extended family and even overseas relatives. That is why when I think of it I feel quite moved in a really positive way, because it just shows the importance of having these—and how many other Puffing Billies are there? Well, there are not, so it is unique and special of itself. But it does show why it is so important and certainly a priority to invest in and support these, can I say, human experiences as such.

I am using a broad term because I am trying to allow for the various, wonderful tourist attractions—but it is more than that, and I think Dr Kieu spoke to that when he spoke about the history of what it had contributed in other ways as well. Certainly it shows why it is so important that we have these amazing experiences as part of building that wonder and joy and also that respect for our own state and also for nature as well, because it is a wonderful way to see some of the most extraordinary natural aspects of Victoria.

I know there has been a lot of varied discussion on this bill today. I am really glad about it, because I have actually really enjoyed hearing everyone reflecting on something that is just really, overall, so positive but for the fact that obviously there are some very serious elements which have to be addressed as part of the legislation. That is fair, and that is why we are here principally to debate the bill. But I think it is also the reason why so much effort is being put into creating a sustainable and manageable aspect for Puffing Billy into the future—because it is so meaningful to Victorians and to so many visitors to Victoria as well. Really it is about providing a modern framework to futureproof the operations and governance of the attraction so that it can operate more effectively and continue to draw visitors to the Dandenong Ranges for years to come—and in fact talking about it today is making me think that I should organise another trip up there with relatives and friends. I think I am going to do that, because it has been ages since I have been there. And amongst all the positives that could come out of the chamber today with our debate, if it also inspires more people to visit and to enjoy this beautiful experience, all the better.

I know that there are a range of objectives that the bill is providing for with regard to the Puffing Billy Railway Board: to ensure economic sustainability and viability of the railway, which goes without saying; to maintain the heritage significance of the railway—and in fact even listening to Dr Kieu it reminds you why that also is so important to so many of us as well and certainly gives context and I think also can teach younger generations about why you do not always have to create the new, and that in fact if we are able to sustain some of the most beautiful experiences that we have in Victoria, then that is a really good thing; obviously to promote the tourism offering of and to enhance the visitor experience provided for by the railway and the surrounding region, and I think that goes without saying, and I certainly have reflected on overseas cousins coming and us all travelling and being part of the Puffing Billy experience; to promote the preservation of narrow-gauge rail heritage; to develop and maintain partnerships with community organisations and businesses; to develop and maintain harmonious relationships between the board and community; and to provide a safe, inclusive and diverse working environment for employees and volunteers.

I should also pay respect to those for whom this discussion today might be quite triggering, who may be watching the debate online. I know that there are some fundamental changes here which specifically, with regard to the bill, respond to the Victorian Ombudsman's report, released in June 2018, *Investigation into Child Sex Offender Robert Whitehead's Involvement with Puffing Billy and Other Railway Bodies*. I know that that has been discussed in some detail, as it should, out of respect for some pretty horrific experiences that have transpired and that should never have occurred. So I just want to pay respect to those who may be triggered by this debate, understanding that fundamentally

this is about creating a much more positive future in that regard and hopefully providing some healing with regard to circumstances that should never have transpired.

We note that the Ombudsman provided a suite of recommendations, which the Victorian government accepted in full, including to ‘review the current structure and composition of the Emerald Tourist Railway Board’. I think one of the most fundamental elements really is about supporting the growth and sustainability of the Puffing Billy Railway Board and Puffing Billy itself while at the same time recognising the heritage significance of the railway, the significance of its volunteers and its importance to local communities. Like so many of these terrific life experiences that are generated in various ways, such as with Puffing Billy, it is not only the railway itself, it is all the flow-on effects, because when you draw people to an area for a particular activity then they may be led to seek other activities, other stores and other things that are in the area. They even stop to purchase petrol or other items. All of those add-ons inevitably help to support that community as well. I know I am stating the obvious, but this is what tourism and even being a tourist in your own state are all about—and something I actually enjoy very much myself.

I would like to strongly emphasise that Puffing Billy volunteers make a vital contribution to the operation of the railway through driving locomotives, preserving trains and track maintenance, so certainly their contribution should be honoured and respected. I do want to emphasise that point. The bill includes an objective of the board to recognise the importance of volunteers and their invaluable contribution to the running and preservation of the historic railway. And I note that the Puffing Billy railway is supported by 300 volunteers, including many from the Puffing Billy Preservation Society. That is amazing. So many people are prepared to offer their personal time in so many ways. That is really a credit to them and reflects very well on their contributions and the sacrifices that they make when they give up their time for the benefit of fellow Victorians and for the benefit of tourists as well.

I note that \$11.2 million was provided in the 2021–22 budget to protect local jobs and support Puffing Billy’s operations as it recovers and draws tourists and daytrippers. That really extends further upon the point I am making about why it is of so much value to Victorians, but obviously there are overseas visitors who indeed see the value because they are able to see various aspects of history but also something that is probably quite a unique experience. I know that obviously there are and have been steam trains around the world, but in Victoria it has its own energy. It has its own specific, particular experience and elements, and that is why we very much treasure this experience, I should say, for fellow Victorians and tourists into the future.

I know that the Lakeside visitor centre was backed by a \$12.7 million commitment from the Victorian government and boasts world-class facilities for tourists, daytrippers and school groups. And that is the thing, isn’t it? I have reflected on family, but also for school visits that is something very special. Those kinds of experiences stay with you and also help you to adapt and change, to recognise how wonderful our great state is but also to know that we really have wonderful communities who work so hard and contribute so much to make sure that we are very much proud of the state that we live in and also that there are so many wonderful things to do, whether it be in the CBD or in the Dandenong Ranges.

Puffing Billy is a major driver of the local economy, and families from all over the world can enjoy the magic of the steam ride through some of the most beautiful scenery in Australia. I am emphasising that point because sometimes it is not until you actually see that scenery live that it really hits home just how stunning it is. The Puffing Billy Railway Bill 2022 will ensure the iconic experience can continue well into the future, and that is obviously incredibly important.

The other thing that I do want to emphasise as well is that two-thirds of Puffing Billy railway suppliers are Victorian companies. So there you go; it is actually in that way supporting fellow Victorians. This is what I was saying before; that it is not only the experience proper and being on site; it is the flow-on effects that have such a significant benefit and make it so important for communities in surrounding areas. And it may not necessarily be surrounding areas, because suppliers can be anywhere in Victoria,

so therefore it extends to other communities within Victoria and enables profitability into the future for them as well.

I note that Puffing Billy Railway is one of Victoria's most popular and iconic tourist attractions. It might sound like I am stating the obvious, but it is not until you start to reflect on that and think about childhood experiences—it may not only be childhood; I mean, some people might visit there later in life of course—that you realise just how special it is. As I was saying before, just talking about it makes me think, 'I really must visit Puffing Billy once again; I must make sure that I make that happen', because sometimes we get so busy that we forget the wonders that we have in our own backyard. I am hoping that even today's discussion is a good reminder of all that we have afoot in our wonderful state of Victoria. It is quite incredible when you think that the Dandenong Ranges has been home to Puffing Billy Railway for 121 years. I mean, that is unbelievable when you think about it. I mean, it is believable, but it is like—wow. That is really extraordinary, so it is no wonder that it is creating lifelong memories and why I have had a very significant moment of nostalgia talking here in the chamber. I am quite enjoying it. I will not elongate it further, but I have to say it is not too often that you get the opportunity to reflect on such great childhood experiences.

Having said that, whilst there might be some nuanced differences, I note that it is good to see that the government side and also the opposition have worked together to ensure that the house amendments will be acceptable, and they can be discussed in due course. There really is no dissension that I have detected on the wonder and the joy of Puffing Billy proper and the experience and what it brings to fellow Victorians and tourists alike, and may it continue to prosper into the future.

**Mr ERDOGAN** (Southern Metropolitan) (15:54): I rise to also support the Puffing Billy Railway Bill 2022. I wish to begin by acknowledging the victim-survivors and acknowledge their courage and bravery as well. It is obviously through those brave people coming forward that we are at this point today.

The purpose of the bill is important to reflect upon, as the governance structures of the Emerald Tourist Railway Board have come under quite considerable scrutiny. It was these governance structures under the Emerald Tourist Railway Act 1977 that came to the attention of the Victorian Ombudsman, as outlined in the June 2018 report *Investigation into Child Sex Offender Robert Whitehead's Involvement with Puffing Billy and Other Railway Bodies*. The Ombudsman found significant governance failings by the Emerald Tourist Railway Board, poor legislative framework under the current act with respect to conflicts of interest and inappropriate board and management composition at the board level, which enabled the Puffing Billy Preservation Society to control the board. The Ombudsman concluded that there needed to be change, and the Victorian government commissioned in response to that PricewaterhouseCoopers, PwC, to undertake a review into the governance arrangements and make recommendations.

Prior to the Victorian Ombudsman's investigations, the former Department of Economic Development, Jobs, Transport and Resources undertook a review of the current act in 2016, which recommended that the Emerald Tourist Railway Act be replaced and a new act be established in its place. The review found the framework under the current act did not provide sufficient support for the growth and development of the Puffing Billy Railway in a contemporaneous way which invited tourism and protected the environment. In response to these reviews the Victorian government has prepared this bill to replace the current act with the Puffing Billy Railway Act 2022 as a new principal act. The bill addresses findings and recommendations from these reviews, including to improve corporate governance and reporting mechanisms and to better position the railway for growth as a state-significant tourist attraction.

Ms Taylor reflected on her childhood experience with Puffing Billy. I can say I was fortunate enough to enjoy Puffing Billy as well on a school trip in my primary school days. It is a fantastic tourist destination. I think there is a great program of school student engagement, but it is also a destination for young families and older retirees. It is a great excursion and tourist destination for people coming

from interstate and overseas. As overseas travel resumes during this global pandemic I expect that the numbers will increase at Puffing Billy as well.

The bill introduces disclosure and reporting obligations that align with modern standards and improve ministerial oversight of the Puffing Billy Railway's board. The corporate governance obligations of the bill are more extensive than the current act. Key provisions include that the minister will be empowered to request that the board provide information relating to the operation and management of the railway and the performance of its functions or the exercise of its powers under the act. The board will be required to report to the minister the range of incidents and risks, rather than just accidents, which is the position in the current act.

The broader reporting requirements recognise the importance of safety at the railway and the increased likelihood of incidents and risk due to a significant growth in visitation in the years before COVID-19. The board will be required to prepare a rolling four-year strategic plan annually and develop a railway corridor plan every 10 years. The rail corridor plan will set out how the rail infrastructure facilities and rolling stock form part of the railway and are to be maintained for the next 10 years.

The board will be subject to the general direction and control of the minister, and the minister will be permitted to give written directions to the board in relation to the performance of its functions and exercise of its powers under the act, and an updated conflict-of-interest provision including the requirement for a director to disclose to the board if they currently hold or held within the previous 12 months membership of the society. All appointments of directors will be made by the Governor in Council on the recommendation of the minister. The position replaces the power in the current act for the society to nominate up to four members to the board.

It has taken some time to come to this position. Nonetheless it is an important body of work. We know that significant reforms take time and need the appropriate consultation and the appropriate drafting of legislation so that errors are not made. I think the time taken is reflective of the importance of the bill before us. It affects many people and it needs to be futureproof as well. The way it has been set up is a modern framework, and that is why I am proud to support the bill before the house.

It is also pleasing to hear from the opposition that there is bipartisan support for this bill before the house. Obviously in the cut and thrust of politics that is not always possible, but in a matter such as this, with such importance, it is great to see both parties coming to a considered position.

The impact on volunteers has been discussed by previous speakers. I noticed that Ms Patten touched upon it, but so did many others before. I think it is important—the volunteers do great work in this space. They provide a vital contribution to the operation of Puffing Billy. They make a significant contribution to the experience of all users. In late 2021 it was found that there were approximately 300 volunteers at Puffing Billy. Volunteers may be members of the Puffing Billy Preservation Society; however, this is not a requirement. How many volunteers may be members of the Puffing Billy Preservation Society we do not have records of exactly, but we know that there are approximately 300 volunteers involved in Puffing Billy. In performing its functions the board will be required to have regard to the benefits of volunteerism and the expectations of the community in relation to the board's use of volunteer time. The express recognition of volunteers in the bill will have a positive impact on volunteer engagement at the railway.

Consultation is a big part of what this government does, and we are proud of our record of reaching broadly and trying to speak with all different sectors of society and affected parties. There was consultation with the Puffing Billy Preservation Society on multiple occasions.

**Sitting suspended 4.01 pm until 4.22 pm.**

**Mr ERDOGAN:** I was touching upon the important consultative work that our government has done in regard to the bill before the house, and it was quite broad. We spoke to the preservation society at length and on numerous occasions. We spoke with various government agencies that have all added



to the drafting of this bill in many regards. There was consultation with volunteers, residents adjoining the railway and government bodies. The Department of Jobs, Precincts and Regions consulted with the Department of Premier and Cabinet, the Department of Treasury and Finance, the Department of Transport, the Department of Environment, Land, Water and Planning, the Department of Justice and Community Safety, and Victoria Police.

Before I conclude I will also remark upon the amazing work that has been done in the preparation of the skills matrix. In the last 12 months—Mr Leane would be aware—I completed the Australian Institute of Company Directors course, and the importance of good governance was highlighted during seminars. Preparing a skills matrix which fits the purpose of the organisation is key. The department's work in identifying the current skills matrix, knowledge and expertise of the board was clearly quite extensive here, and the skills that the directors of the board will be required to have include experience in heritage preservation, operation and safety of railways, tourism, economic development, marketing and communications, financial management, law, public governance and any other area the minister believes is required. That is an important matrix there that covers the best practice in governance.

I have many more aspects to add, but I do note that there have been very important contributions to this bill. It is fantastic to see bipartisan support for this work that is much needed. On that note I will conclude my remarks. I commend the bill to the house.

**Ms WATT** (Northern Metropolitan) (16:24): I move:

That the debate on this bill be adjourned until later this day.

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

**JUSTICE LEGISLATION AMENDMENT (FINES REFORM AND OTHER MATTERS)  
BILL 2022**

*Second reading*

**Debate resumed on motion of Ms SYMES:**

That the bill be now read a second time.

**Ms BURNETT-WAKE** (Eastern Victoria) (16:25): I rise to speak on the Justice Legislation Amendment (Fines Reform and Other Matters) Bill 2022. This is the second justice bill we have discussed in as many weeks, which can only be a good thing given the state of our justice system. As we learned through the recent inquiry into Victoria's criminal justice system, the system is multifaceted. While fines were not directly discussed, I know from experience, from volunteering at a community legal centre, that they make up a large proportion of criminal work in cases before the courts, so it is very important that we see bills like this to try and get the system working as it should.

This bill seeks to implement numerous recommendations of the Fines Reform Advisory Board, which was established in 2019 after a scathing Ombudsman report into Fines Victoria and fines reform in this state. Fines reform was initiated by the previous Liberal-Nationals government when it secured passage of the Fines Reform Act 2014. The Labor government then delayed that bill coming into operation until 2018, and Victorians have been the ones who have felt the impact of those delays.

The fines system was described as 'a monumental disaster' by my predecessor, the Honourable Edward O'Donohue, and I think that sums it up perfectly. We have seen hundreds of Victorians have their licences wrongfully suspended, and we have seen Fines Victoria send enforcement letters to people who have passed away, despite having received a death certificate. Victorians have had their jobs impacted because of how fines reform was handled by the Andrews Labor government. There was a taxidriver who went without wages for a month while his licence was suspended, only for Fines Victoria to later backflip and accept he did not commit the traffic offence he was fined for. There were fines sent to households despite the agency being repeatedly asked to not send them there due to family violence risks. Given one of the main reasons for the fines reform was to make things easier for

vulnerable Victorians, it is appalling that the system got itself into such a debacle and that it ended up making it worse for vulnerable Victorians. These were just some of the more than 600 complaints made to the Ombudsman about Fines Victoria. The system is broken and it has failed Victorians, so this bill is not something the opposition will be opposing.

This bill inserts a number of objectives into the Fines Reform Act 2014, which was a recommendation from the Fines Reform Advisory Board. It also makes amendments to the Infringements Act 2006 to reflect those recommendations. This bill will change the time-served provisions for prisoners. As it currently stands, the ability for prisoners to convert fines to time served differs depending on whether the fines are court issued or infringement fines. This new provision will harmonise the rules so that those applying to infringement fines will apply to all fines. It should clear up any confusion about what fines can count as time served and make things less complicated for all involved in our criminal justice system. This should also reduce the disastrous backlog we see in the Magistrates Court, as it will enable more fines to be resolved administratively through the time-served scheme. The time-served scheme is important as it allows people who have exited prison the opportunity to resolve their fines and move forward post release without their fines holding them back or putting them at risk of future arrest if they get to final stages.

The bill requires the Attorney-General to prepare and produce an annual report regarding infringements and the exercise of the internal review oversight function by the director of Fines Victoria. The report will be published on the Department of Justice and Community Safety website. This has come about because Fines Victoria do not have any capacity to undertake merits reviews of fines. It is essentially an administrative collection agency, because the power to review fines sits with the organisation that issues them, whether it be a local council, Victoria Police or a tolling company. The director of Fines Victoria oversees these internal reviews and will provide an annual report, which is a good thing, because this system is clearly flawed and requires adequate oversight.

Just last sitting week I spoke on the Justice Legislation Amendment (Trial by Judge Alone and Other Matters) Bill 2022 and raised my concerns about the severe backlog in our courts at the moment. We have the worst criminal case backlog in the country in the Magistrates Court, which is where the majority of the smaller fines matters are heard. In that backlogged list would be people waiting for their day in court to contest fines wrongly issued or to explain their reasonings. If we can get the fines system working as it should, with only appropriate fines being issued and proper review mechanisms in place, it should go some way to reducing these cases in the future.

The bill also responds to a finding by the Ombudsman that some local councils were outsourcing their internal reviews to third-party agencies. I would have thought that the best place for a fine to be reviewed was the very agency that issued it, not some third party. This bill legislates that reviews cannot be outsourced.

Thousands of Victorians were hit with hefty fines during COVID-19 lockdowns regardless of their situation. The Andrews Labor government took a one-size-fits-all approach to handing out extraordinary fines, and only about 6 per cent of the 11 362 COVID-related fines issued last year were paid. I am told figures were not much better in 2020. The public health rules were in place to stop the spread of the virus, but was the size of these fines really proportionate? I ask that question.

The ABC recently told the story of a 25-year-old mother who was fined for leaving home without a valid reason during the 2020 lockdown. English was this woman's second language, so she struggled to keep up with the ever-changing restrictions and rules. She suffered from family violence, had a history of depression, had missed mental health appointments and was struggling with her children, who were restless after being cooped up for months on end. She decided to take the kids to stay with extended family, but the neighbours tipped off police and she was fined \$1652. Police said she did not have a valid reason to be out. Two years later the fine still hangs over her head. This woman needed a break, but, sadly, discretion did not exist. It is cases like these that are clogging up our community

legal centres and worsening the backlog in our criminal justice system. These fines are disproportionate and can be crippling for Victorians from low socio-economic backgrounds.

As I said previously, fines reform was meant to provide better options for vulnerable Victorians issued with fines. We have that purpose on the one hand, and then on the other we have the Andrews government creating disproportionate fines. The 2020–21 figures show that areas with higher rates of disadvantage accumulated the most fines. The areas of Casey, Hume and Brimbank topped the list of council areas with the most. If this government is serious about fines reform, it cannot be handing out disproportionate, excessive fines. The excessive COVID fines have only added to Victorians' hardship and added to court backlogs.

While we are on the topic of court matters, I wish to outline some concerns that the community legal sector has expressed over these reforms. These issues were raised by my colleagues in the other place as they require some clarity, but we are yet to receive answers from the government. The first issue the sector has raised is around the withdrawal of infringement notices by toll operators. This bill will allow tolling companies such as EastLink and CityLink to request an enforcement agency withdraw an infringement notice. This means that the toll company can request Victoria Police to withdraw infringement notices in respect of unpaid tolls. It makes sense that an agency with a power to issue fines is also able to withdraw them. This comes directly from recommendation 20 of the Fines Reform Advisory Board report. The issue and solution identified by the board was to amend the Melbourne City Link Act 1995, the EastLink Project Act 2004 and other relevant acts to provide toll operators with the power to withdraw tolling infringement fines if they want to do so. But this bill leaves Victoria Police with the discretion as to whether they will withdraw a fine in accordance with a toll operator's wishes or not. The explanatory memorandum says:

The amendment preserves the discretion of the enforcement agency to withdraw an infringement notice.

If the police did not issue the fine, why do they need discretion as to whether they will proceed with the fine? This is the question for the government, and so far they have failed to answer it. There may be good reason for that, but at the moment it is not clear. The community legal sector makes a great point: it is the toll operator's infringement, and if they no longer want to pursue it, why do Victoria Police have discretion to proceed with it regardless? I think that is a fair question that should be answered by the government for the sake of clarity.

There are two other issues the community legal sector have raised. The first is section 22 of the Fines Reform Act 2014. This section lists circumstances in which a fine can be withdrawn. At the moment, fines cannot be withdrawn under this section if a seven-day notice of warrant has been issued. The sector has questioned why this has not been amended to allow fines to be withdrawn after the seven-day notice has been issued.

The last issue they have raised is the stage in which the withdrawal request can be effected. They believe this bill will be more effective if withdrawal requests can include the time after an infringement has been registered with Fines Victoria. The community legal sector deal with Victorians impacted by the fines system every day, and they raise some great points about how we can improve this bill.

There are a few amendments that are floating around. The Greens did put forward an amendment that was issued last Friday. However, we will not be supporting that amendment. Equality before the law is a fundamental aspect of our legal system. Their amendment, to reduce fines by 80 per cent for people on a government payment or allowance, does not reflect the principle of equality before the law. The Transport Matters Party have also flagged some amendments. We believe that these are reasonable amendments, and we will be supporting them.

Overall, this bill implements five recommendations from the Fines Reform Advisory Board. There are still a number of recommendations to be considered by the government, and we would like to see them implemented as soon as possible to address the mishaps of Victoria's fines system. Looking forward to the next few sitting weeks, we will soon be discussing the Road Safety Legislation

Amendment Bill 2022. This bill will add to the list of serious offences that Victoria Police may use to trigger immediate licence suspensions and disqualification. It also seeks to allow for new camera technology to receive evidentiary status. Before we look at introducing new fines and offences, we need to get the fines system right. That is the only way we can stop adding to court backlogs. Victorians deserve a proper system. I encourage the government to get on with implementing the rest of the recommendations.

**Mr ERDOGAN** (Southern Metropolitan) (16:38): I rise to speak in support of the Justice Legislation Amendment (Fines Reform and Other Matters) Bill 2022. Fines play an important role in our justice system, as they punish harmful behaviour to protect community safety and provide an incentive for the community to comply with laws and regulations. The government works to ensure that the penalty for fines should not be more severe than necessary and that the fine should be proportionate to the seriousness of the offence. Our system also punishes people for doing the wrong thing without the person entering the criminal justice system.

The Fines Reform Act 2014 was introduced in 2014, and we have worked to improve the efficiency of our system but also to improve fairness. We have delivered more opportunities for people to work off their fine through the work and development permit system, expanding special circumstances and trialling new concessional fine schemes for COVID fines.

The bill demonstrates our commitment to implementing important recommendations from the Fines Reform Advisory Board, or FRAB. The Fines Reform Advisory Board was established in mid-2019 by then Attorney-General Jill Hennessy, comprising Julie Fahey and the Honourable David Harper AM, QC. These changes build on substantial existing work that has already seen a number of recommendations implemented and delivered. We know that our fines system is complex. It covers over 120 partner agencies, which requires a huge amount of work to ensure it is effective, accessible and fair. The board was tasked by the government to provide independent advice on how the fines system was working since the introduction of the Fines Reform Act, which took effect at the start of 2018.

The board made 24 recommendations, with the government supporting seven recommendations in full and six recommendations in principle and further considering the remaining 11 recommendations. Changes in this bill will add to the eight recommendations which have already been partially or fully implemented.

Creating a stronger understanding of the fines system was an important message from the review. Recommendation 1 is that:

... section 1 of the Fines Reform Act should be amended to provide a clear statement of the purposes of Fines Reform ...

and this bill implements recommendation 1 of that review. This will create a stronger common understanding of the objectives of fines reform among stakeholders. The proposed changes will amend the Fines Reform Act to identify the four key objectives of fines reform: centralised collection and enforcement, stronger enforcement mechanisms, better support for the vulnerable and disadvantaged and enhanced review and oversight processes. As the fines system operates across a number of acts, including the Infringements Act 2006, the Road Safety Act 1986 and the Fines Reform Act, this inclusion will help provide a clear picture of the policy aims of our infringements system. This also addresses the challenge in the enforcement agencies of understanding the common purposes of fines in Victoria.

Improving transparency was also an important outcome of the recommendations from the board. Recommendation 5 states:

... the Infringements Act should be amended to require the publication of the Attorney-General's Annual Reports on the Infringements System.

Transparency is improved by creating a legislative obligation for the Attorney-General to publish an annual report on the infringements system. While annual reports are currently prepared, there is no legislative requirement for the government to prepare or publish these reports. The annual report will also now include information on the director of Fines Victoria's internal review oversight function. The inclusion of the director's internal review oversight function goes further than the terms of the recommendation. This change will make reporting requirements more efficient and of clearer relevance to fines system stakeholders and the broader Victorian community. This is particularly relevant following recent investigations by the Victorian Ombudsman into some of the practices by local councils across our state. It is important; we saw what can happen with internal review systems and the failures at the local government level—at some municipalities, I might add. There were some very good examples as well; we need to balance that out with the full picture. But it also taught us its importance in relation to the fines framework across our state—and this bill addresses that.

Creating a fairer and more equitable fines system is important. It is recommendation 12, 'A more accessible Time Served scheme'. That being implemented was one of the recommendations. The time-served scheme allows prisoners to have fines be expiated by serving time in prison concurrently or cumulatively with other offences. The rationale for the scheme is to support prisoners' rehabilitation and reintegration into the community. In effect they are released with a clean slate. This recognises that many prisoners face significant disadvantage. In 2014 the Sentencing Advisory Council noted that prisoners who had debt were more likely to return to prison, 50 per cent more likely compared to those without debt, who were 30 per cent more likely to return to prison. So that is an important derivative—the financial stresses and strains and their contribution to reoffending.

In 2021 the Victorian government made the scheme more accessible by introducing an administrative process to apply for the time-served scheme—recommendation 13. These changes will ensure prisoners with unpaid court fines are treated in the same way as prisoners with unpaid infringement fines and remove the current requirement for prisoners to serve time in lieu of payment of their unpaid fine-related fees and costs. Recommendation 12 also calls for the time-served scheme to recognise time spent on remand, even when a prisoner was not sentenced to a term of imprisonment. The bill creates certainty that legislative changes made in 2021 to implement recommendation 13 apply to remandees also. It is important to provide that clarification.

Supporting people with special and exceptional circumstances is important. Recommendation 18 of that review requires additional time to obtain evidence for enforcement review applications on the grounds of special or exceptional circumstances. We know that sometimes people have special and exceptional circumstances when they are fined such that fines should be withdrawn or cancelled. A person can apply for a review with Fines Victoria if they meet certain criteria. Those eligible to apply for a special circumstances exemption include people that have a mental or intellectual disability, disorder, disease or illness including anxiety and depression; have a serious addiction to drugs, alcohol or a volatile substance, which includes marijuana or alcohol as well as drugs such as heroin, ice, speed or ecstasy; are a victim of family violence, which is world leading; or as a homeless person are affected. Changes introduced by our government in 2021 make it easier to prove special circumstances.

We are making the review mechanism for infringement notices more flexible by allowing applicants on the grounds of special exceptional circumstances to request extra time to provide supporting evidence. On original application many people may lack the supporting evidence to prove they are eligible. The proposed changes will also allow the director to give a person extra time to provide the information beyond the existing statutory limits where the director considers this justified in the circumstances. This will ensure that vulnerable and disadvantaged fine recipients will have more time to gather evidence to support the application for review under special exemption or exceptional circumstances.

Supporting the removal of tolling fines where appropriate I think is an important reform as well and one that has had great public interest, as we always hear stories about people with toll fines being referred to Victoria Police and the effect that has on the justice system, especially on the backlog in

our Magistrates Court system. Recommendation 20 is for powers for all toll operators to withdraw tolling infringements. Tolling companies can request that Victoria Police serve an infringement notice on drivers or serve a notice on a person nominated by a driver. This follows non-payment of a tolling charge. Tolling companies have launched programs to improve the way they support vulnerable Victorians and those experiencing financial hardship. Legislative change allows tolling companies to withdraw tolling fines if they consider the person's circumstances mean that a fine is not appropriate. This typically occurs after a fine has already been discovered and may occur due to a person rapidly accruing significant tolling debt. This means that when a tolling company discovers hardship after a fine has been registered with Fines Victoria, they may apply to have it withdrawn. Again this will ease the burden on the justice system and provide a more equitable outcome for those directly affected. This may include where a person is experiencing financial hardship. The proposed changes will acquit the recommendation by allowing tolling companies to request that Victoria Police withdraw the tolling fine, making our fines fairer, more efficient and robust.

It is also proposed that other important changes to enhance the operation of the fines system are made, including enforcement agencies and the courts being required to provide prescribed information when referring a fine to the director to ensure the fine can be enforced and the Ombudsman's recent recommendation for legislative change to clarify that enforcement agencies cannot outsource their internal review function being implemented. The bill will allow credit reporting bodies to release additional information about fine recipients directly to the sheriff to enable them to make more informed decisions about enforcing fines. The bill makes changes to facilitate the electronic service of infringement-related notices if enforcement agencies choose to do this and fine recipients are aged 16 or over.

Obviously I also reflected on the Ombudsman's recent findings in relation to local councils. In early 2020, as you know, the Victorian Ombudsman tabled a report on the use of private contractors by certain local councils. The Ombudsman recommended legislative change to clarify that municipal councils cannot engage external parties to perform the internal review of parking fines. In 2021 the Ombudsman tabled its report identifying additional councils that had incorrectly outsourced this function. The bill clarifies the requirement for internal review—that is important to provide that clarity. The bill implements the Ombudsman's recommendation by providing expressly in the Infringements Act that an internal review must be carried out by the enforcement agency itself, which is authorised to prosecute the relevant offence or a prescribed body or person or member of the prescribed class of persons or bodies.

Ensuring fairness in fines is an important theme of this bill, as I touched upon earlier. With existing schemes and previous reforms it is important to understand how we have arrived at this point. The government has implemented and funded a range of assistance measures to support people who have experienced hardship and have outstanding fines. This includes improvements to the special circumstances test, the family violence scheme, and work and development permit and payment plans. This means that people have a number of options to resolve their fines. In 2021 the government made it easier for people to apply for special circumstance exemptions as recommended by the Fines Reform Advisory Board. This change, included in the Public Health and Wellbeing Amendment Act 2021, broadened 'special circumstances' so that a person who has been issued an infringement notice will only need to show that the circumstances contributed to rather than resulted in them having substantially reduced capacity to understand or control their offending. It introduces a new category of 'special circumstances' for people who cannot establish a causal link between their condition and their offending.

This change was called on by the community legal centres and Victoria Legal Aid and was highlighted in a number of submissions to the Fines Reform Advisory Board. Again, our government delivers. It consults with appropriate stakeholders, and it delivers on the reforms. It listens and acts—again, a good pattern of behaviour of our government, and I am proud that this bill is reflective of that consultation. Other key social justice programs to improve fairness of the fines system are functioning

well. In the 2020–21 financial year the family violence scheme received 678 applications and determined 616 applications. Approximately 91 per cent of determined applications were found eligible for more than \$3.5 million in infringement fines withdrawn on a family violence basis.

The work and development permit scheme received 1242 applications and finalised 1044 of those; \$2.39 million worth of fines were worked off. An additional 25 accredited sponsors to support the scheme were found. The family violence scheme, as I said, is world leading and Australia leading in many regards. The scheme is unique to Australia and allows people to have their fines withdrawn if the experience of family violence has substantially contributed to them committing an offence or it is not safe for them to name the responsible person. The family violence scheme commenced on 31 December 2017. A review of the scheme found that it is innovative in its response to family violence impacts, and the fines system has reduced the disproportionate impact of fines on victim-survivors. By freeing successful applicants of unfair debt and demerit points it supports the recovery from family violence. It also avoids further entanglement in the justice system. In its first two years of operation the scheme assisted hundreds of victim-survivors in having their fines withdrawn. The review found no evidence the scheme has had unintended consequences for road safety.

Obviously there has been much publicity about the rollout of fines reform and the IT infrastructure in place. Obviously we have invested significantly in improving the capacity for delivery in this regard. Enhancements to the fines IT system have been delivered this year and will focus on greater efficiency moving forward. The next generation technology program will deliver further technology to the current fines IT system for Victoria, complementing existing technology to ensure assistance for vulnerable Victorians and more debtor-centric services. The next generation program will also support increased flexibility and responsiveness to futureproof the fines system.

As I stated earlier, fines play an important role in our justice system. They are crucial to ensuring that harmful behaviour—to protect community safety—is punished accordingly and provide an incentive for the community to comply with our laws and regulations in place, for good reason. That is why I am proud that this government, after its broad consultative approach, has brought this bill before the house. I commend it to the house. I am sure that this bill will lead to a fairer and more just fines system in our state. I commend the bill.

**Dr CUMMING** (Western Metropolitan) (16:53): I rise to speak on the Justice Legislation Amendment (Fines Reform and Other Matters) Bill 2022. My contribution on this will be brief. The bill implements a number of recommendations made by the independent Fines Reform Advisory Board, and I support these recommendations. However, in her second-reading speech the Attorney-General said that this government ‘is committed to ensuring Victorians have access to a fair and effective fines system’. I certainly support that, but the history of the fines system in Victoria is far from having been effective. Let us think back to 2019, to the debacle of Fines Victoria. Many Victorians did not know they owed parking fines and speeding tickets. Problems with the Fines Victoria database meant people who had not paid their fines at a court missed out on a reminder notice. Significant IT problems potentially left the state more than \$300 million out of pocket. In the Magistrates and County courts alone there were 123 000 outstanding fines, while local councils were owed millions in outstanding debts. So while it is well and good to bring in these reforms, I hope that Fines Victoria is really up to the job.

Another point I would make on the consultation undertaken on this bill: the Municipal Association of Victoria and, I believe, local councils were not consulted. This is horrific for two reasons: firstly, local councils are responsible for issuing a large number of fines, and they will no longer be able to outsource the review of fines as part of this bill; secondly, this government has legislated that it is vital for local councils to undergo extensive deep-dive community engagement, yet it fails to do so itself with one of its most important stakeholders—local government.

Finally, I would just like to make mention of the current backlog of cases before our courts. We have the highest backlog in Australia, which will be made even worse by the additional changes that we

will see in the upcoming transport bill. At the same time we have thousands of unpaid COVID-related fines, ranging from \$200 for not wearing a mask to \$4957 for an unlawful gathering. There are over 8200 fines outstanding, so I suggest that the government should withdraw all the outstanding COVID notices to help clear the backlog in our courts now.

**Ms SHING** (Eastern Victoria) (16:56): It is my time to shine. I move:

That debate on this matter be adjourned until later this day.

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

### **PUFFING BILLY RAILWAY BILL 2022**

*Second reading*

**Debate resumed on motion of Ms SYMES:**

That the bill be now read a second time.

**Ms PULFORD** (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (16:57): I would like to make some comments on the amendments that Mr Davis has foreshadowed he will move in committee and speak to them. There have been some discussions between members here and members in the other place, and I think we have a resolution that everyone can agree is a reasonable compromise and something that ensures that the integrity of the reforms that this bill has within it is preserved but some of the concerns around appropriate input of community groups with a long history, passion and deep knowledge about the operation of the Puffing Billy railway are given due consideration. So I thank all members for their contribution to the debate on this bill this afternoon. It has been a bit of a trip down memory lane for a few members. For some members this is about the strength of their local economy, for some members this is about an iconic tourist experience and for some it is a matter of some great sentimentality.

In terms of the amendments, what I would like to do is ask that my amendments be circulated.

**Government amendments circulated by Ms PULFORD pursuant to standing orders.**

**Ms PULFORD:** The member for Evelyn in the other place, who is the shadow minister, has been having some discussions with the minister who has carriage of this bill, Minister Pakula. And so Ms McLeish—

**Mr Ondarchie:** On a point of order, Acting President, I would just like to correct the minister. I think the member for Eildon is the shadow minister for this, not the member for Evelyn.

**Ms PULFORD:** Thank you. Yes, that is what I meant, the member for Eildon.

**The ACTING PRESIDENT (Mr Bourman):** Thank you for the correction, Mr Ondarchie.

**Ms PULFORD:** I think I might be a redistribution behind in my outer-eastern geography, and I apologise. I am from the other side.

**The ACTING PRESIDENT (Mr Bourman):** Just for the record, the point of order is upheld.

*Members interjecting.*

**Ms PULFORD:** Enough help from all of you, thank you. For the purposes of the house's consideration of this, the amendment is in Mr Davis's name. There is an amendment to clause 6 to make some minor changes to the language to insert the words 'and develop'—clause 6, page 5—and there is another to insert the word 'volunteers' in line 19 of clause 6, page 5. The government is happy to accept those amendments in Mr Davis's name.



Amendment 3 in Mr Davis's name goes to the proposal around a stakeholder consultative committee. Following some discussions between parties and members I have a house amendment that is very, very similar in every respect to Ms McLeish's amendment but for some minor changes which she told me are acceptable to her. So I think we have some agreement to proceed with the house amendment on how the consultative committee would be established and some direction provided through this amendment on its composition, its meeting frequency and the like. When we get to the committee stage we can get into that, if people are interested.

The Puffing Billy Railway Bill 2022 represents a couple of things. I think it represents a really challenging and difficult period for those in the community who have a long association with Puffing Billy. There have been some really awful events that have been profoundly impactful for some people. I would like to recognise the efforts of my parliamentary colleague John Eren, who was the Minister for Tourism and Major Events, the minister with carriage of this legislation, at a really, really dark time in Puffing Billy's history. It was Mr Eren's work that put in place the commencement of the reform that led to the legislation before us today.

But the other thing that this bill does is modernise and provide appropriate arrangements that will ensure ongoing management and sustainability of something that is very, very special to all of us. My in-laws lived a very long time in Belgrave South. You could often see Puffing Billy going past and hear Puffing Billy going past. My sister-in-law's business is a stone's throw from where the tickets are collected. I have never quite been mad enough to participate in that iconic fun run, where people race along, but I have certainly dangled my legs out and I have certainly ridden with my children on Puffing Billy. Indeed I rode on Puffing Billy as a child with my parents too, and I am sure that that is actually a really common Puffing Billy story and experience. Across generations this is a really, really special outing and a lovely thing, and so the work that has been undertaken to preserve the strength and the standing in the community and the confidence that we can all have in Puffing Billy is going to be so important to preserve its future so that the next generation can dangle their legs and can ride with their mums and dads or their grandparents or whoever they like.

The bill, as members I think well know, establishes a new principal act, the Puffing Billy Railway Act 2022, introduces a framework for the ongoing management and sustainability of this iconic railway, changes the name of the board and modernises the governance and reporting in ways that would be I think familiar to all members—a modern and appropriate set of governance arrangements.

The bill updates the functions, changes the name of persons appointed to the board to directors from members and removes ambiguity with members of the Puffing Billy Preservation Society, and I know people have spoken through the course of the debate about the important work that members of that group have done in safeguarding and nurturing this iconic experience for such a very long time. Transitioning to a skills-based directorship, again, is something that will be very familiar to members from other reforms, other pieces of legislation. It is best governance practice to have a skills-based board, and many of our statutes reflect that. It will also create the power that enables the making of regulations to support the day-to-day operation.

It is a really important piece of legislation, a really important set of reforms and something of a turning of the page for people who have been involved, for good and for bad, with Puffing Billy through its history, so I look forward to going into the amendments in a bit more detail in the committee stage, should members wish to. But I commend this bill to the house.

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee***Clause 1 (17:07)**

**Mr DAVIS:** Can I just briefly summarise where we are, thank the Minister for Employment for her comments now at the end of the second reading and indicate that there have been significant discussions between the government and in particular the Shadow Minister for Tourism, Cindy McLeish, the member for Eildon, and she has certainly put very forcefully the case that there needs to be better representation of volunteers. Consequently our amendments were circulated, and I agree with the minister's summation that the first two amendments that we have proposed are ones that are replicated in the government's amendments. I also agree that the new clause, clause 3, which is in both sets of amendments, is substantially the same, establishing a stakeholder consultative committee and working to ensure that the committee meets twice a year and has greater representation from a broad community section.

There are, however, a couple of differences that I want to draw the chamber's attention to and seek some assurance from the minister on. I should just begin by again noting the work that has been done between the acting minister in this circumstance—given the Minister for Tourism, Sport and Major Events is laid low with COVID—and Ms McLeish. There has been a large measure of agreement achieved. The government's amendment is a little neater, if I can put it that way, in terms of some of the sub-points in (3) of amendment 3 in that the new clause actually refers to the relevant acts. Councils are defined, schools are defined and so forth, and that is a neater and more satisfactory drafting solution. So I am happy with that, although I must say I think everyone knew what councils were and what schools were.

The point of contention, though, is the Puffing Billy Preservation Society, and I note and I appreciate that the government has put that on the top of the list. I will read amendment 3, point (3):

- (3) The stakeholder consultative committee must consist of members who represent persons whose interests the Board considers may be affected by the matters referred to in subsection (2), including members who represent the following—
  - (a) the Puffing Billy Preservation Society;
  - (b) community service groups;
  - (c) local heritage groups;
  - (d) volunteers of the Puffing Billy Railway;
  - (e) local trader associations, chambers of commerce and tourism organisations;
  - (f) communities located near land forming part of the Puffing Billy Railway;
  - (g) Councils, within the meaning of the **Local Government Act 2020**—

as I have pointed out—

...

- (h) schools ...
  - (i) children and young people associated with the Puffing Billy Railway.
- (4) The stakeholder consultative committee must meet at least twice each year.

That last one is in common with our proposed amendments. The difference I think that is substantive—and I will seek some assurances from the minister in lieu of moving our amendments—is that our amendments ask for at least three members of the Puffing Billy Preservation Society to be on the stakeholder consultative committee.

I will just lay out my concerns baldly here. What concerns me is that (3)(a) in the government's amendments does not have any such requirements, so it could be that among the long list of choices there no-one from the Puffing Billy Preservation Society is appointed. It could be that one or two but not three are appointed. It could be that in some years the stakeholder consultative committee is

completely bereft of members of the Puffing Billy Preservation Society. I am not necessarily suggesting that that is the government's intent; in fact I suspect after the discussions it is not the government's intent. But let me be again bald here: it is not about the current minister that I am concerned; it is a future minister of whatever colour—maybe a future Labor minister even—who has not shared the discussions that have gone on on this matter, and they may not appoint somebody or the board may not appoint somebody who is a member of the Puffing Billy Preservation Society. So that is my concern, that there is no clarity about that. It may be that the minister can provide some assurance on that, and I think it would be valuable to have that assurance in *Hansard*.

**Ms PULFORD:** Mr Davis, your fears for the wellbeing of my colleague might be greater than the state of his health, but in the spirit of the discussions that I have had with Ms McLeish I certainly can, I guess, give you some context as to why the government is moving this house amendment and why it has in doing so accepted Ms McLeish's proposal in substance. You are accurate in pointing out that difference in terms of how prescriptive it is. We are moving here to a skills-based model rather than a representative model, but I would also want to provide you with some reassurance, I think, of the stakeholder consultative committee subgroups listed there. It is a very conscious decision that the Puffing Billy Preservation Society be listed first, and it would be our intention—it is our intention—that that voice be part of that stakeholder consultative committee.

**Mr DAVIS:** Let me be clear. I thank the minister for that point, but I just would not want to see a point in the future where there was no member of that group on the stakeholder committee, and I am hoping that that is not possible.

**Ms PULFORD:** I do not really have anything to add. I mean, that was more a comment than a question. I guess just to perhaps close out this discussion, our intent in moving this amendment would be that those voices all be part of and be heard through that consultative committee process and that that be a really important input to the new skills-based board.

**Mr DAVIS:** Just to press it a tiny bit further, without being tedious, I think there are nine groups that are denominated there. The preservation society would be a bit more sharply represented than one in nine, I would imagine. That is what I have been told.

**Ms PULFORD:** That is probably a level of prescription that is difficult for me to confirm for a future minister. It might be one of my colleagues, and it might be one of your colleagues, but the establishment of this stakeholder consultative committee that is being proposed by Ms McLeish will be enshrined in this legislation, and the voices that are to be heard through that will be enshrined in this legislation. This is a substantive change, and that will be there in the statute. I thank the members of the opposition, Mr Davis and Ms McLeish, for the constructive way that we have come to a spot today where all of those voices can be heard but the reform to a skills-based board—the integrity of that aspect of this legislation and this reform—can be preserved.

**Mr DAVIS:** Again, I just reiterate our thanks to the government for the discussions and note our intention has been clear all the way through to ensure that the volunteers are represented and are seen to have a significant role and that that input is there. To the extent that this is a very significant step in the right direction, we welcome that. I think I have made my point clear, and any future minister can see the intent that we certainly have with these steps.

**Ms BURNETT-WAKE:** I do have some general questions, if I may. 'Puffing Billy Railway' is defined in the bill as:

any land vested in or owned, leased or managed by the Board; and

any rail infrastructure, facilities or rolling stock owned, leased or managed by the Board ...

This definition is all about ownership. Why wasn't 'Puffing Billy Railway' defined as 'the narrow 2-foot, 6-inch railway between Belgrave and Gembrook and the associated land and assets'? Because of this broad definition, technically if land is owned in the CBD, this could be classified as the 'Puffing

Billy Railway'. I am looking to find out why the definition is so abroad. It could have some unintended consequences.

**Ms PULFORD:** Okay. Let me see if I can answer this to Ms Burnett-Wake's satisfaction. The bill defines 'Puffing Billy Railway' as:

any land vested in or owned, leased or managed by the Board; and  
any rail infrastructure, facilities or rolling stock owned, leased or managed by the Board ...

as the member has pointed out. The bill includes a broad definition to ensure that all land and infrastructure of the railway is captured, reflecting that the railway is broader than the track and rolling stock itself and includes, for instance, the Lakeside visitor centre. This reflects and supports the broad responsibility of the board for all actions taking place on land and infrastructure that they manage, including maintaining safety.

**Ms BURNETT-WAKE:** I understand what you are doing, but it is quite broad, and it could still capture if an asset is owned outside the railway corridor, so I am just seeking some assurances that it is really defined in that rail corridor.

**Ms PULFORD:** I might take some quick advice on that, but it is certainly not our intention that the scope of the board's activities would involve a whole lot of extraneous property development, for instance. I think they have got plenty to do with their gorgeous railway.

I am advised that one factor in our thinking here has been that providing a narrower definition of 'Puffing Billy Railway' may have unintended consequences for the operation of the new bill, including constraining the scope of the board's activities, so that is something that we were mindful of. Would you like me to check the other bits of land theoretical idea?

**Ms BURNETT-WAKE:** If you do not mind.

**Ms PULFORD:** To the very best of the government's knowledge, we have no reason to believe that Puffing Billy has ambitions to get into a whole bunch of activities other than—

**Mr Davis:** Get into broad gauge, for example.

**Ms PULFORD:** Yes, get into broad gauge or get into housing redevelopment or building cinemas or anything. I think every signal we have had from the community, from volunteers and from everyone involved throughout is that they are happy with their iconic railway. That the scope of the bill is extended to the scope of things the board has responsibility for is actually a pretty common set of governance arrangements. I think that is probably the best explanation I can give you of that.

**Ms BURNETT-WAKE:** Just a follow-up question to that: what if the preservation society or the board obtained some further property, like the Walhalla railway? Could that be then included?

**Ms PULFORD:** In theory, yes. But, again, we have no reason to believe that is within the breadth of anyone's ambitions. This is a bit beyond the extent of my briefings and preparations for this committee stage, but should they be suddenly desiring of other heritage railway assets around the state, I suspect that that would engage other legislation and that would ultimately be a question that would come before the house. Again, in very general terms, were a board overseeing an organisation that is subject to an act of the Parliament to start going beyond the intended scope of their legislation, then it would be, I guess, available to them to talk to the government of the day about an amendment to their act. But we are talking about some pretty hypothetical scenarios here, and we have no reason to believe that that is in anyone's short-, medium- or even long-term plans. I think the lovely Walhalla people might have feelings about that.

**Ms BURNETT-WAKE:** Just one more. Clause 27 allows the board to grant a lease, licence or easement over any land vested in or owned, leased or managed by the board. Is it the intention of the

government to allow the board to grant proprietary interests in land not owned by the board, and where does this leave the rightful owner?

**Ms PULFORD:** No, it is not.

**Clause agreed to; clauses 2 to 5 agreed to.**

**Clause 6 (17:25)**

**Mr DAVIS:** I move:

1. Clause 6, page 5, line 1, after “maintain” insert “and develop”.
2. Clause 6, page 5, line 19, after “Board” insert “, volunteers”.

**Ms PULFORD:** As I indicated in the summing-up, the government is happy to support these. They are quite minor in effect, but they certainly do nothing to offend the intent of what we are here to do today.

**Amendments agreed to; amended clause agreed to; clauses 7 to 9 agreed to.**

**New clause (17:27)**

**Ms PULFORD:** I move:

3. Insert the following New Clause to follow clause 9—

**“9A Stakeholder consultative committee**

- (1) The Board must establish a stakeholder consultative committee in relation to the Puffing Billy Railway within 12 months of the commencement of this section.
- (2) The function of the stakeholder consultative committee is to provide to the Board comments regarding the following matters—
  - (a) business and strategic matters relating to the Puffing Billy Railway;
  - (b) the safe operation and management of the Puffing Billy Railway;
  - (c) the visitor experience provided by the Puffing Billy Railway and the surrounding region;
  - (d) the recruitment, engagement, recognition and retention of volunteers;
  - (e) the maintenance and preservation of the heritage of the Puffing Billy Railway.
- (3) The stakeholder consultative committee must consist of members who represent persons whose interests the Board considers may be affected by the matters referred to in subsection (2), including members who represent the following—
  - (a) the Puffing Billy Preservation Society;
  - (b) community service groups;
  - (c) local heritage groups;
  - (d) volunteers of the Puffing Billy Railway;
  - (e) local trader associations, chambers of commerce and tourism organisations;
  - (f) communities located near land forming part of the Puffing Billy Railway;
  - (g) Councils, within the meaning of the **Local Government Act 2020**, whose municipal districts include land forming part of the Puffing Billy Railway;
  - (h) schools, within the meaning of the **Education and Training Reform Act 2006**, that are located near land forming part of the Puffing Billy Railway;
  - (i) children and young people associated with the Puffing Billy Railway.
- (4) The stakeholder consultative committee must meet at least twice each year.”

This new clause reflects my comments in the second-reading stage and our earlier discussion in the committee stage. I do not have anything more to say except that I commend this bill to the house and thank all members for assisting us to come up with a good resolution to this question.

**Mr DAVIS:** The opposition supports this change. We have obviously made our points known about the numbers of different groups, but we will support the government's amendment.

**New clause agreed to; clauses 10 to 47 agreed to.**

**Reported to house with amendments.**

**Ms PULFORD** (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (17:29): I move:

That the report be now adopted.

**Motion agreed to.**

**Report adopted.**

*Third reading*

**Ms PULFORD** (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (17:30): I move:

That the bill be now read a third time.

**Motion agreed to.**

**Read third time.**

**The DEPUTY PRESIDENT:** Pursuant to standing order 14.27, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the bill with amendments.

**Adjournment**

**Ms TIERNEY** (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (17:30): I move:

That the house do now adjourn.

**FAMILY VIOLENCE**

**Dr CUMMING** (Western Metropolitan) (17:30): (1853) My adjournment matter is to the Minister for Prevention of Family Violence, and the action that I seek is for the minister to provide additional resources for men who are victims of violence, including information online. We have heard about the increase in domestic violence, but very little is ever heard about the men who are victims of violence. According to the personal safety surveys, from the age of 15 one in 16 men have experienced physical and/or sexual violence from a current partner or ex-partner, one in six men have experienced emotional abuse from a current partner or ex-partner, one in 20 men have experienced sexual violence and one in four men have experienced emotional abuse or have been assaulted or threatened with assault. In the year ending June 2019 Victoria Police completed reports for 51 622 alleged victims of violence by current or former partners. Of those, almost one in five were male, but it is widely believed that these figures are understated and do not really paint the full picture.

As they may not be battered and bruised, men often find it difficult to recognise that they are being abused and to identify as a victim, so they do not report it. Men can also feel a much greater sense of shame and humiliation about being abused. It is also less socially acceptable for men to admit or to report experiences of abuse. Even if it causes less physical harm, it is not harmless and it is violence, and violence against anyone is completely unacceptable. What is even more unacceptable is the lack of crucial support. Men have almost nowhere to turn. There are virtually no specialist family violence

services for victims who are male. The 2016 Royal Commission into Family Violence found that there were:

... opportunities to improve the understanding of male victims and services for them.

And:

... the Victorian Government should take steps to identify and take account of the needs of male victims ...

I have searched VicHealth's website for violence against men and could not find one thing about support services for men. Resources need to be— *(Time expired)*

### PUBLIC RECORDS

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (17:34): (1854) My matter for the adjournment tonight is for the attention of the Premier, and it relates to the responsibility that the Premier has for the Public Records Act 1973. The Public Records Act has a clear role in ensuring that key government records in this state are preserved and are treated appropriately with appropriate safeguards and protections. The Public Records Act makes it illegal, for example, to destroy documents or to allow documents to be not protected or to be destroyed gratuitously, and that is for very good reason. That applies also to cabinet documents. I want to put on record my concern—this comes out of some freedom-of-information requests that my office has undertaken both at Development Victoria and the Suburban Rail Loop Authority—that the appropriate protections for cabinet documents and other documents are not being employed. It is clear that documents that are documents of the department or documents of the agency are not being treated appropriately and not being protected.

Mr MacKenzie, who is chair of Development Victoria and also chair of the Suburban Rail Loop Authority, is using a private server. This is also to move cabinet documents around and to communicate with others beyond the agency. Now, as the chair of the body he is obviously entitled to have communications with a range of people, but these documents need to be preserved in the proper way with the proper protections and normal protocols around them. In this case it is clear the agencies, for example, will not search his server for freedom-of-information purposes. They will not check to see what uses he has made of his private server. It is only to the extent that the chair of these bodies has emailed the agency or they have emailed him. Emails between his server and others that he is interacting with are not captured by these FOIs and are not, as far as we can tell, preserved and treated as proper documents of the agency. Now, the agency actually has a responsibility to do that. We are not interested in his personal emails, we are only interested in the emails which he employs or uses for the purposes of the business of the agency.

So I ask that the Premier intervene to ensure that the Public Records Act is being adhered to in every way and that documents are secure. This is Hillary Clinton all over again—an outrageous misuse of public resources. It is corrupt and really very, very unsound. I must say that this has got to be stopped.

### ANIMAL WELFARE

**Mr MEDDICK** (Western Victoria) (17:37): (1855) My adjournment matter today is for the Minister for Police, and the action I seek is for her to establish an animal protection department of Victoria Police. This specialised operation would be dedicated to responding to, enforcing and prosecuting animal cruelty. Last sitting week in committee the Deputy Leader of the Government in this chamber made it clear that VicPol, Ag Vic and the RSPCA are ill equipped to respond appropriately to animals who are suffering. The new ag gag law now makes it increasingly difficult to help animals in need. This, combined with the failings of existing departments to respond to, enforce and prosecute animal cruelty, serves only to perpetuate our low standards of animal welfare. I established last sitting week that our international animal welfare ranking is embarrassingly low. This is the only reason why people conduct covert investigations in sheds, cages and slaughterhouses. The

answer to this problem is not to create more laws but to protect animals from acts that the casual observer would reasonably consider to be cruel.

First, the government's new animal welfare laws must apply to all animals without exception. Then there must be a swift response to reports of animal cruelty, followed by immediate prosecution. Victoria Police is the perfect agency to do this. Other countries are already ensuring that the lives, sentience and dignity of non-human animals are written into legislation and constitutions with these types of offices. Some countries already have sections of law enforcement dedicated to animal protection—not yet in Australia. This government has an opportunity to be this nation's leader in animal welfare and protection. An animal protection branch of VicPol would be a testament to this government's endeavours to bring animal welfare reform.

To ensure our current and forthcoming animal protection laws are properly enforced, I ask that the Minister for Police take immediate steps to establish an animal protection branch of Victoria Police. It would be my pleasure to assist her in this regard.

### FLU VACCINATION

**Ms CROZIER** (Southern Metropolitan) (17:39): (1856) My adjournment matter this evening is for the attention of the Minister for Health, and it is in relation to vaccinations in children. I met with the Pharmacy Guild of Australia last week, who are the peak body looking after community pharmacies and who have been doing a tremendous job over the last two years in supporting the Victorian public through the pandemic. I was very pleased that—somewhat rather late, I must say—the Victorian government finally acknowledged the work of pharmacies and encouraged Victorians to be vaccinated through GPs or pharmacies and not just the state hubs. It took months for them to recognise that and talk about it publicly. I was very disappointed at the time that the Premier refused to. But nevertheless, putting that aside, the work that the community pharmacies have done in really assisting communities in understanding the benefits of vaccination and assisting them with advice on how to manage COVID and other health-related issues is well known, and they have been around for decades.

But what we have got is a bit of an anomaly with children being able to be vaccinated by a community pharmacist. Pharmacist immunisers undertake a very significant training program that is approved by the Department of Health, and they administer a range of vaccines that include all vaccines funded under the national immunisation program as well as a number of travel-related vaccines. However, what they can do currently with children is limited. They can give COVID vaccines to children under the age of nine, but they cannot give the flu vaccine to children under the age of nine. So there is a real inconsistency here, with the department allowing community pharmacists to provide children with the COVID vaccine but not the flu vaccine. That does not make any sense. I note that in Queensland they have approved pharmacists administering the flu vax to children five years and above. It comes under their emergency order and will be in place until 7 June 2022. As we are constantly told of the importance of masks for children and getting vaccinated, it makes no sense to me that this government is inconsistent on this very issue. So the action I seek is for the minister to urgently meet with the pharmacy guild and discuss this issue to explain to them why community pharmacists are unable to vaccinate children with the flu vaccination when they are allowed to vaccinate these same children with COVID vaccinations.

### KNIFE CRIME

**Ms MAXWELL** (Northern Victoria) (17:42): (1857) My adjournment is to the Minister for Police, and the action I seek is for the government to outline its response to the prevalence of knife-related crime in Victoria. A recent *Herald Sun* article included a very disturbing report that the number of life-threatening stab wounds treated at the Alfred hospital over summer had risen by 50 per cent compared to the previous year. From December to January 21 people each month were admitted to the Alfred with life-threatening stab injuries. Back in 2006 Les Twentyman said that the carrying of and the use



of knives had reached epidemic proportions. Here we are more than 15 years later and this description appears to still ring true.

Police Chief Commissioner Patton in 2020 said that knife crime would be high on his agenda, and the minister was reported at the time as saying that she was in discussions with the commissioner about how to tackle the issue. Police have initiated a number of weapons amnesties and exchanges, including a pilot exchange back in 2006 where youth were able to hand in their knives, no questions asked, in return for incentives such as sports tickets. Fifty-two knives were subsequently melted down and formed a new sculpture outside the Footscray police station. The *Age* reported a police officer speaking anonymously who said violent crime involving knives and young people had never been worse nor more brutal. Police have seized a record number of weapons under search and seizure powers. We have very clear laws around possession and use of controlled weapons as well as a prohibition on their sale to people under 18 years of age.

How we circumvent access to these weapons and their trade between criminals is certainly a difficult task. I commend Crime Stoppers for initiating the campaign ‘Lose the knife, not a life’ to educate young people about the dangers of simply carrying a knife. Indeed if you do not have one in your possession, you cannot use it. It would disturb all of us that some youth have a sense that they need to arm themselves to protect themselves, including children as young as 10.

I know there was some objection in January to a police operation that utilised special search and seizure powers. However, 23 knives were confiscated. Knife-related crime is not isolated to metropolitan areas. A stabbing was being investigated just last weekend in Wodonga, four people in the north-west in February, a case in Shepparton last October, last August a young person lost his life after being stabbed in Wangaratta—the list goes on. Police have indicated they will run workshops in schools and community centres to educate young people, and I would appreciate details of how extensively these will be run across Victoria. Certainly by the time young people are deciding to carry a knife on them we are further down the road for intervention than I would hope. The Les Twentyman Knives Trash Lives advertisement is compelling watching, and I hope it is distributed widely through schools and online to young people to encourage conversations about the serious, dangerous and sometimes fatal consequences of knife crime.

### ELECTRIC VEHICLES

**Mr ONDARCHIE** (Northern Metropolitan) (17:45): (1858) My adjournment debate today is for the Treasurer, and it concerns the electric vehicle tax that was implemented by this Labor government late last year. Minister, while those on this side of the house vehemently oppose this tax on electric vehicles, it seems this government loves to tax Victorians whether it is warranted or not.

**Mr Finn:** Which number was that?

**Mr ONDARCHIE:** I think it was tax number 42, Mr Finn. We now have been living with this tax for nearly a year, and this is nothing more than a rort by this government to rob Victorians to pay itself for the horrible management of the state’s road infrastructure. Since this tax has been implemented it is clear to see that this tax is nothing more than a government double-dip for plug-in hybrid motor vehicle owners. My colleagues and I have received several emails and calls from disgruntled constituents that are being charged twice for their vehicles—one through the EV tax and one through the petrol tax. One of them is in the electorate of the member for Benambra. He has received an approach from a constituent who stated that they purchased a plug-in hybrid electric vehicle in 2020. The electric range of the car is roughly 40 kilometres, with the remainder of the tank being petrol fuelled. Even though only 40 kilometres is electric, the owners cop a 2-cent flat fee on every kilometre they drive, which is enforced by their odometer reading irrespective of whether it was on electric or petrol.

Now, I know the Treasurer and the Minister for Public Transport, the member for Niddrie, might say that 40 kilometres is more than enough for them to get around in their taxpayer-funded limo, but for

people in regional Victoria it is a rort. It is not enough, and they should not be the ones subsidising the government's mismanagement. The government's tokenistic gesture of a \$100 registration discount is nothing more than an insincere show, as petrol prices have gone up in recent months, with families in regional Victoria that drive frequently paying upwards of \$100 per month in EV taxes on top of the sky-high petrol prices, which make up the majority of their cars' mileage.

It is as clear as day this is laziness from a government that is so out of touch with Victorians that it thinks regional Victorians only drive 40 kilometres a day, with VicRoads telling motorists to save by remembering to charge their cars at home. Now, 40 kilometres does not get them very far. Tell that to the thousands of regional Victorians who do 300-plus kilometres per day. Minister, I call on you to remove this tax on hardworking Victorians immediately and, if you will not do that, in the upcoming budget drop the charge for plug-in hybrid electric vehicle owners. It is not good enough for this city-centric tax to stay on, especially when high petrol prices are already hurting so many in our regions. Treasurer, Victoria does not stop at the tram tracks.

### MALVERN ROAD TRAM TRACK MAINTENANCE

**Ms TAYLOR** (Southern Metropolitan) (17:48): (1859) My adjournment matter is for the Minister for Public Transport, and the action I seek is to be provided with a briefing on upcoming tram works on Malvern Road, Prahran and Malvern. As the minister is aware, my community has greatly benefited from the \$12.3 million upgrades to the South Yarra station and tram stop. The upgrades have delivered more space and better facilities and have eased congestion at this busy station and tram stop that services my local community. The project, delivered by the Andrews Labor government, has resulted in a bigger entrance and forecourt to relieve congestion and improve accessibility; better shelter; new, quicker myki machines; a free mobile-charging station; and vital upgrades to support passengers with disability, with ground tactiles for visually impaired people and hearing loops for people with hearing impairment. Importantly the project has also delivered a new level-access tram stop directly outside the station to enable better interchange between tram and train services.

With the introduction of the modern accessible E-class trams on route 58 late last year, more constituents are now enjoying the benefits of a bigger, modern tram fleet made right in Victoria due to the government's record investment in rolling stock and local jobs. And of course then there is also the government's Big Build, which is providing benefits statewide. I was also pleased to see recently that crews were out delivering the final part of the project, completing paving and streetscape activities. I cannot wait to see the finished product, and I know the community will welcome the improvement. Unfortunately with great progress comes the reality that these works can at times involve short but intense works to minimise impact and deliver world-class outcomes. A few constituents have contacted me to raise feedback on the upcoming planned works at Malvern Road, Prahran. With that in mind, could the minister provide me with an update on how his department will work with the community in managing these impacts?

### COVID-19

**Mr LIMBRICK** (South Eastern Metropolitan) (17:50): (1860) My adjournment matter this evening is for the attention of the Premier, I think. I say 'I think' because nobody seems to be able to answer who is responsible, but I will come to that. I was recently contacted by a constituent who asked what might be considered a relatively simple question: when will Victoria fully adopt every part of phase D of the national plan on COVID-19? This person was particularly distraught after suffering several unfortunate tragedies during the pandemic, and all they wanted now was to be reunited with their partner overseas. They suggested I look at a Facebook group called Partners Apart, a group solely for supporting people who are separated from their partners overseas. Sadly it has over 17 000 members. The section of phase D that was referred to was specifically the requirement for

unvaccinated travellers to be allowed to return without travel caps and ideally without the cost of quarantine. The latest communication from the national cabinet on 11 March stated:

National Cabinet noted that Australia has largely transitioned to Phase D of the National Plan, with states and territories and the Commonwealth considering removing the remaining restrictions in the coming months, subject to continued public health advice.

They are not scheduled to meet again until June, so it is a little difficult to know what the plan is and advise this constituent what to expect. When my staff looked into the matter a little further it seemed that there was no government site in the country that provides transparency on what the current travel caps are for unvaccinated or unconfirmed-vaccine-status travellers. My office called the coronavirus hotline, who then transferred them to the federal coronavirus hotline, who then suggested that they contact the Department of Home Affairs, which they also did. Nobody could provide an answer to this simple question. In fact the only place my staff could find where the travel caps were listed was on the Australian High Commission, Singapore website. When my staff contacted the Minister for Health's department seeking clarification on this they were told that immigration is a federal matter; however, on 22 October the Premier announced that from 1 November vaccinated arrivals would be uncapped and could skip quarantine but unvaccinated or unverified international travellers would be capped at 250 a week, so presumably it is the Premier who sets the travel caps. Therefore my request for the Premier is to lift the requirement for unvaccinated arrivals to quarantine at their own expense or at the very least increase the cap so that Victorians can be reunited with their loved ones.

### SEX EDUCATION

**Mr FINN** (Western Metropolitan) (17:52): (1861) I wish to raise a matter this afternoon for the attention of the Minister for Education, and I have to say it is not often in this job I am absolutely shocked. I thought I had seen everything, but this one is just beyond words. It is a note from a constituent who said:

Hi Bernie this is a worksheet that my 10 year old daughter brought home from school.

It includes a photo of the worksheet, and it continues:

Part of her homework was to discuss with her father his erections and ejaculation. I find this very disturbing and sickening.

As indeed do I, I have to say. The note continues:

I have complained to the school and was told it was just part of the curriculum. Can you advise who else I should make a complaint to.

Well, I could go on for days about whom she could complain to. She said:

My daughter still plays with dolls and writes letters to the Tooth Fairy there is no way any little girl should be told to ask these questions.

Well, so say all of us. What the hell is going on in this state when 10-year-old girls are told to go home and talk to their father about his erections and about his ejaculations? What the hell is going on here? How the hell are we supposed to protect our kids when this sort of perversion is in our schools? This is what is being dished up to them on a daily basis—and at primary school, not even a secondary school but a primary school. This is just unbelievable. It is staggering. I have three daughters. I could not imagine the reaction of any of them if they were told to do that. They would be traumatised for life. I do not think they would ever recover. I am not sure I would ever recover.

This is just deplorable, and it seems to me to be a part of the ongoing war by the Andrews government against children in particular in this state. Let kids be kids. A 10-year-old girl should not be exposed to this sort of material. I think it is deplorable, and I challenge anybody to just ask yourselves, here tonight: would you be happy if you had a 10-year-old and she was told to go home to talk to her dad about his ejaculation and his erections? Would you be happy with that? Would you be relaxed about that? My God, I would not be. I would be horrified. Indeed we should all be horrified. So I ask the

minister to conduct an urgent investigation to remove this material and ensure that no other child is put in the situation that this poor 10-year-old little girl has been put in at this point.

### RUTHERGLEN FLOODS

**Mr QUILTY** (Northern Victoria) (17:55): (1862) My adjournment matter is for the Minister for Housing. We have had a lot of high-profile flood events recently, but it is important that the ones from a couple of months ago are not forgotten as we focus on the latest issues. Many people from Rutherglen are still homeless after the flooding a few weeks back. There is no spare accommodation, insurance companies have stopped processing claims and the backlog for builders to even access repairs is months or years long. There was a housing crisis in our small towns even before the disasters. Regional Victoria needs a planning shake-up to increase the building of new housing. But that is not my issue tonight.

On my last visit to Rutherglen I spoke to a constituent who had lost all her personal property in the recent floods and was hospitalised because of her ongoing serious health conditions. I visited her in a nearby caravan park as there was not any available emergency housing in the area at the time she was released from hospital. Amongst her many personal items that were lost was expensive medical equipment that she pays for from her own funds as it is almost impossible to process claims through the NDIS. The constituent's serious illness does not allow her to work, so she relies on housing that can be provided through the Department of Families, Fairness and Housing.

When this constituent applied for long-term housing to replace what was lost in the flood, through the department, she was told that she had too much money in the bank and would not qualify. The money in the bank that put her over the threshold was from an insurance claim from the flood. The constituent needs a house to put her new furniture and medical equipment into, but she cannot get a house until the funds have been spent. Minister, the action I seek is for you to investigate why it is that my constituent, who is permanently attached to oxygen, must spend her insurance proceeds on replacement household items that she has no place to store before she can qualify for long-term assisted housing.

### ON-DEMAND WORKFORCE

**Mrs McARTHUR** (Western Victoria) (17:57): (1863) My adjournment matter is for the Minister for Industrial Relations and concerns the fair conduct and accountability standards for the Victorian on-demand workforce. I thank the minister for his extensive and precise answer provided to me on 23 March regarding my previous adjournment matter on this issue. Often in this place the incompetent ministers on other benches provide vague, brief and recycled responses to matters raised and questions asked, so it is reassuring to see that one minister on at least one occasion has shown commitment to transparency. I hope he remains so in responding to this matter.

I was relieved to hear in the minister's response that the standards for the gig economy will be:

... guided by the principle of ensuring we accommodate and support genuine needs of platform businesses and not stifle innovation or entrepreneurial activity ...

To fulfil this mantra it is crucial that any developed standards are designed to be functional and help make business work and are not penalties for non-compliance, which destroy any enterprise. I note in his answer the minister referred to the need to:

... provide on-demand workers with a more beneficial regulatory system ...

The minister must come clean. Is what the government is proposing standards or regulations for Victoria's vital gig economy, which enables significant business activity across the state? These are very different beasts. Standards are benchmarks that should be aspired to. Regulations are business-stifling rules cooked up by bureaucrats, usually under this government, advised on by big unions and then ticked off by a clueless minister; they financially penalise those who fail to adhere to them. The gig economy does not need further regulation that will damage its productivity and potentially deprive of work the thousands of Victorians who are engaged in digital platforms. This especially includes

students, stay-at-home parents and those looking for permanent employment who rely on the flexibility that the gig work offers.

There are also innumerable businesses that benefit from the gig economy, such as the hospitality sector, in which many relatively unknown or unvisited restaurants have deservedly and significantly profited from food delivery services. Many small businesses also benefit greatly from being able to engage IT professionals or web designers as independent contractors through platforms like Freelancer. The gig economy is interwoven throughout our state's entire modern economy, and imposing regulations on it risks causing inefficiency and higher costs. The action I therefore seek from the minister is that he guarantees gig platforms that the proposal being developed by the government remains solely as standards and not regulations, with no penalties for non-compliance.

### YOUTH MENTAL HEALTH

**Ms BATH** (Eastern Victoria) (18:00): (1864) My adjournment matter this evening is for the Minister for Mental Health, the Honourable James Merlino in the other place, and it relates to the lack of inpatient mental health services for young people in Gippsland. The action I seek is for the minister to commit to a youth inpatient mental health facility in Gippsland and invest in a significant increase in mental health professionals so that adequate staff can be staffed in this new facility and also in our current services.

One of the tragic costs of the Andrews government's handling of the pandemic is a mental health crisis, and it is exacerbating a system that has already been stretched to beyond breaking point. A Moe mother, Andrea McLennan, contacted me to share her frustrations about the lack of mental health triage, intervention and treatment available to young people in our region. Ms McLennan was left a few weeks ago with a very difficult choice. Her son required urgent intervention and psychological care, and because Gippsland only has two mental health youth beds, the McLennan family was told that there were no mental health beds available at the time in the valley and was forced to then decide whether to send their child into Melbourne or into an adult facility and an adult bed, which is pretty challenging at best, locally. There is need for additional health professionals, and this system has been broken for a while. Our youth need a bright future and a good pathway to mental health.

The ABS has reported that for the ages of between 15 and 24 in Victoria in 2020 the leading cause of death was intentional self-harm. We have got a Victorian Auditor-General's Office report from 2019 that stipulated the need for more mental health beds for youth. The Royal Commission into Victoria's Mental Health System made a raft of recommendations. This is not new. The royal commission told us that Victoria's mental health system was dysfunctional and overwhelmed and could not keep up with the number of people seeking treatment. There is a quote that I will read into *Hansard*. There is:

... a strong case for investment in and attention to the mental health and wellbeing of young people.

Delivering help for young people suffering these issues has to be a priority and cannot be delayed any longer. Labor has been in government for 19 out of 23 years. If you need to know who is responsible, look no further. Funding for the immediate delivery of youth services in Central Gippsland, in the Latrobe Valley, to cover off on the whole of Gippsland is absolutely vital, and I call on the minister to include it in the budget. I thank the people who work in this very challenging service area.

### HANGING ROCK PRECINCT DEVELOPMENT

**Ms LOVELL** (Northern Victoria) (18:03): (1865) My adjournment matter is for the Minister for Energy, Environment and Climate Change and concerns the state government's Hanging Rock precinct master plan, which will see the decommissioning of the Hanging Rock oval and inappropriate development of East Paddock. The action that I seek is for the minister to immediately intervene to ensure the Hanging Rock precinct master plan does not involve the decommissioning of the Hanging Rock oval and also to ensure planning protections are strengthened to protect the oval and East Paddock from future development.

Cricket has been played at Hanging Rock since the mid-1800s, and club cricket has been played at the Hanging Rock oval for well over 100 years, with the Hanging Rock Cricket Club currently fielding seven teams, three senior and four junior, in the Gisborne and District Cricket Association. The oval is set in the centre of Hanging Rock racecourse, which sits in the shadows of the iconic Hanging Rock, and is surely one of Australia's most picturesque sporting grounds. We all know the important role sporting clubs play in our communities, and the Hanging Rock Cricket Club plays a vital role in the health and happiness of local residents. Members of the cricket club have informed me that the Hanging Rock oval is the only recreational reserve in the area, servicing the hamlets of Heskett, Rochford, Newham, Cobaw, Pipers Creek, Carlsruhe and the rural areas in between.

The Andrews Labor government's draft Hanging Rock precinct master plan, released for public consultation on Christmas Eve 2021, revealed the government's intention to evict the cricket club and decommission the Hanging Rock oval to make way for a road and a wetlands area. It also revealed plans to develop the East Paddock, with a permanent stage and car park to be a horrible scar on what is supposed to be a rural view from the rock. The cricket club is devastated that the Andrews Labor government is evicting them from their home. I saw this anguish for myself when I met with members of the cricket club, together with the Shadow Minister for Sport and Shadow Minister for Tourism, Cindy McLeish, and the Liberal candidate for McEwen, Richard Welch. The future of the club is now uncertain as it is faced with having nowhere to play its home games next season.

The local community is deeply concerned about the lack of engagement with locals in developing the master plan and believes the so-called consultation process over the Christmas-New Year period was a sham. Many locals believe a better plan would be to upgrade the facilities at the racetrack, which are nestled beneath the view from the rock, to include the visitor centre and additional car parks. A temporary stage can be established as needed for the occasional concert that is held at the rock. This would avoid inappropriate development of the East Paddock and any need for decommissioning the cricket oval. It would also preserve the rural view from the rock and allow community sport to continue as it has for over 100 years. The minister needs to urgently intervene in this matter to secure the future of the Hanging Rock precinct and the Hanging Rock Cricket Club.

### **SOUTH EASTERN METROPOLITAN REGION MOBILE PHONE SERVICES**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (18:06): (1866) I wish to raise a matter for the attention of the Minister for Innovation, Medical Research and the Digital Economy. It relates to the availability and connectivity of mobile phone services in my electorate. I have recently undertaken an electorate survey, which highlighted the lack of reliable phone services as being of particular concern in the electorate in the areas of Clyde, Clyde North and Cranbourne East. In the survey 65 per cent of respondents who raised the issue of mobile services said they suffer from daily outages and 66 per cent of respondents indicated that they suffer outages of both voice services and data services. This has been across all of the carriers: Telstra, Optus and Vodafone. All the network operators were represented; in fact they all had a similar share of the outages reported by my constituents.

The constituents made a number of comments about the way in which this matter is affecting them. Comments included:

Calls drop out on regular basis

For the amount of houses that is affected by this it should be a priority to fix ASAP

Would just like to be able to make & receive calls on my mobile

Perhaps more concerningly, comments included:

if we get a real fire up our way or floods we are stuffed

Another one was:

Having numerous medical issues not having constant phone services is very dangerous for me

And perhaps most concerningly of all was:

I've been cut off mid call to ambulance when my child turned blue. Should not happen.

Clearly it should not happen. These areas—Clyde, Clyde North and Cranbourne East—are outer suburban areas. They should have good mobile phone services and good phone connectivity.

The Victorian government has recently provided some funding through Connecting Victoria to provide fibre to the premises NBN connections in the Cranbourne area. However, that is not going to solve the issue with respect to mobile phone connectivity in Clyde, Clyde North and Cranbourne East. The action I seek from the Minister for Innovation, Medical Research and the Digital Economy is to allocate funding through the Connecting Victoria program to ensure that these mobile phone services can be fixed quickly by working with the carriers to provide funding for those mobile tower upgrades to ensure that residents in the Clyde area in particular have reliable mobile phone services.

### YOUTH JUSTICE SYSTEM

**Dr BACH** (Eastern Metropolitan) (1867)

**Incorporated pursuant to order of Council of 7 September 2021:**

My adjournment matter is for the Minister for Youth Justice and the action I seek is for her to put in place a youth justice reinvestment model.

As numerous reports over recent weeks and months have shown, Victoria's youth justice system is in crisis. Youth detention centres at both Parkville and Malmesbury have come to resemble something out of *Lord of the Flies*, with assaults on detainees and staff becoming a regular feature of the system. Staff say they fear being killed at work.

Years of neglect and underfunding have created a crisis-driven system where children, often vulnerable children from our child protection system, are being crammed into these centres out of sight and out of mind. It comes as no surprise then that numerous expert groups, such as the Victorian Council of Social Service, have regularly stated that the placement of children in these centres leads to further criminalisation. Repairing this system, therefore, is not just about affording dignity to these offenders, which is important; it is foremost about community safety.

This is why VCOSS have outlined a model of justice reinvestment, whereby resources that would ordinarily be spent on incarceration are redirected to community-based initiatives that seek to prevent crime before it occurs. Greater investment in such programs, tailored to our youth justice services, would be an important step in repairing our broken youth justice system and keeping our community safe.

Unfortunately, community sector organisations have been ravaged by cuts and neglect from the Andrews Labor government. Across the board, the significant cuts from last year's budget must be reversed—taking into account the huge amount of work there is to do supporting vulnerable Victorians following the many failures of the Andrews government over the last two years.

We urgently need a new approach, not only to how much we spend on youth justice but to how we choose to spend it. I urge the minister to consider this proposal.

### RESPONSES

**Ms TIERNEY** (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (18:09): There were 14 matters raised by members in the adjournment debate this evening, and all 14 matters will be referred to the relevant minister.

**The PRESIDENT:** On that basis, the house stands adjourned.

**House adjourned 6.09 pm.**