

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-NINTH PARLIAMENT**

**FIRST SESSION**

**THURSDAY, 7 APRIL 2022**

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## **The Governor**

The Honourable LINDA DESSAU AC

## **The Lieutenant-Governor**

The Honourable JAMES ANGUS AO

## **The ministry**

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Deputy Premier, Minister for Transport Infrastructure, Minister for the Suburban Rail Loop and Minister for Commonwealth Games Delivery .....	The Hon. JM Allan MP
Attorney-General and Minister for Emergency Services .....	The Hon. J Symes MLC
Minister for Training and Skills, Minister for Higher Education and Minister for Agriculture .....	The Hon. GA Tierney MLC
Treasurer, Minister for Economic Development, Minister for Industrial Relations and Minister for Trade .....	The Hon. TH Pallas MP
Minister for Planning .....	The Hon. EA Blandthorn MP
Minister for Child Protection and Family Services and Minister for Disability, Ageing and Carers .....	The Hon. CW Brooks MP
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Minister for Energy, Minister for Environment and Climate Action and Minister for Solar Homes .....	The Hon. L D'Ambrosio MP
Minister for Tourism, Sport and Major Events and Minister for Creative Industries .....	The Hon. S Dimopoulos MP
Minister for Ports and Freight, Minister for Consumer Affairs, Gaming and Liquor Regulation, Minister for Local Government and Minister for Suburban Development .....	The Hon. MM Horne MP
Minister for Education and Minister for Women .....	The Hon. NM Hutchins MP
Minister for Corrections, Minister for Youth Justice, Minister for Victim Support and Minister for Fishing and Boating .....	The Hon. S Kilkenny MP
Minister for Commonwealth Games Legacy and Minister for Veterans ..	The Hon. SL Leane MLC
Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services and Minister for Housing .....	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 Water, Minister for Regional Development and Minister for Equality .....	The Hon. H Shing MLC
Minister for Multicultural Affairs, Minister for Prevention of Family Violence, Minister for Community Sport and Minister for Youth ....	The Hon. RL Spence MP
Minister for Workplace Safety and Minister for Early Childhood and Pre-Prep .....	The Hon. I Stitt MLC
Minister for Health and Minister for Ambulance Services .....	The Hon. M Thomas MP
Minister for Mental Health and Minister for Treaty and First Peoples ...	The Hon. G Williams MP
Cabinet Secretary .....	Mr SJ McGhie MP

**OFFICE-HOLDERS OF THE LEGISLATIVE ASSEMBLY**  
**FIFTY-NINTH PARLIAMENT—FIRST SESSION**

**Speaker**

The Hon. JM EDWARDS

**Deputy Speaker**

Ms N SULEYMAN

**Acting Speakers**

Mr Blackwood, Mr J Bull, Ms Connolly, Ms Couzens, Ms Crugnale, Mr Edbrooke, Ms Halfpenny, Mr McCurdy, Mr McGuire, Mr Morris, Ms Richards, Mr Richardson, Mr Taylor and Ms Ward

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

The Hon. DM ANDREWS

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

The Hon. JM ALLAN

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

The Hon. MJ GUY

**Deputy Leader of the Parliamentary Liberal Party**

Mr DJ SOUTHWICK

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

The Hon. PL WALSH

**Deputy Leader of The Nationals**

Ms E KEALY

**Leader of the House**

Ms EA BLANDTHORN

**Manager of Opposition Business**

Ms LE STALEY

**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: Ms T Burrows

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

<b>Member</b>	<b>District</b>	<b>Party</b>	<b>Member</b>	<b>District</b>	<b>Party</b>
Addison, Ms Juliana	Wendouree	ALP	Maas, Mr Gary	Narre Warren South	ALP
Allan, Ms Jacinta Marie	Bendigo East	ALP	McCurdy, Mr Timothy Logan	Ovens Valley	Nats
Andrews, Mr Daniel Michael	Mulgrave	ALP	McGhie, Mr Stephen John	Melton	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	McGuire, Mr Frank	Broadmeadows	ALP
Battin, Mr Bradley William	Gembrook	LP	McLeish, Ms Lucinda Gaye	Eildon	LP
Blackwood, Mr Gary John	Narracan	LP	Merlino, Mr James Anthony	Monbulk	ALP
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Morris, Mr David Charles	Mornington	LP
Brayne, Mr Chris	Nepean	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma	South-West Coast	LP	Newbury, Mr James	Brighton	LP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John	Morwell	Ind
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Pearson, Mr Daniel James	Essendon	ALP
Cheeseman, Mr Darren Leicester	South Barwon	ALP	Read, Dr Tim	Brunswick	Greens
Connolly, Ms Sarah	Tarneit	ALP	Richards, Ms Pauline	Cranbourne	ALP
Couzens, Ms Christine Anne	Geelong	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Crugnale, Ms Jordan Alessandra	Bass	ALP	Riordan, Mr Richard Vincent	Polwarth	LP
Cupper, Ms Ali	Mildura	Ind	Rowswell, Mr Brad	Sandringham	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Ryan, Stephanie Maureen	Euroa	Nats
Dimopoulos, Mr Stephen	Oakleigh	ALP	Sandell, Ms Ellen	Melbourne	Greens
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Scott, Mr Robin David	Preston	ALP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Settle, Ms Michaela	Buninyong	ALP
Edwards, Ms Janice Maree	Bendigo West	ALP	Sheed, Ms Suzanna	Shepparton	Ind
Eren, Mr John Hamdi	Lara	ALP	Smith, Mr Ryan	Warrandyte	LP
Foley, Mr Martin Peter	Albert Park	ALP	Smith, Mr Timothy Colin	Kew	LP
Fowles, Mr Will	Burwood	ALP	Southwick, Mr David James	Caulfield	LP
Fregon, Mr Matt	Mount Waverley	ALP	Spence, Ms Rosalind Louise	Yuroke	ALP
Green, Ms Danielle Louise	Yan Yean	ALP	Staikos, Mr Nicholas	Bentleigh	ALP
Guy, Mr Matthew Jason	Bulleen	LP	Staley, Ms Louise Eileen	Ripon	LP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hall, Ms Katie	Footscray	ALP	Tak, Mr Meng Heang	Clarinda	ALP
Halse, Mr Dustin	Ringwood	ALP	Taylor, Mr Jackson	Bayswater	ALP
Hamer, Mr Paul	Box Hill	ALP	Theophanous, Ms Katerina	Northcote	ALP
Hennessy, Ms Jill	Altona	ALP	Thomas, Ms Mary-Anne	Macedon	ALP
Hibbins, Mr Samuel Peter	Prahran	Greens	Tilley, Mr William John	Benambra	LP
Hodgett, Mr David John	Croydon	LP	Vallence, Ms Bridget	Evelyn	LP
Horne, Ms Melissa Margaret	Williamstown	ALP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Kairouz, Ms Marlene	Kororoit	ALP	Ward, Ms Vicki	Eltham	ALP
Kealy, Ms Emma Jayne	Lowan	Nats	Wells, Mr Kimberley Arthur	Rowville	LP
Kennedy, Mr John Ormond	Hawthorn	ALP	Williams, Ms Gabrielle	Dandenong	ALP
Kilkenny, Ms Sonya	Carrum	ALP	Wynne, Mr Richard William	Richmond	ALP

**PARTY ABBREVIATIONS**

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

## **Legislative Assembly committees**

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

Ms Addison, Mr Blackwood, Ms Couzens, Mr Eren, Ms Ryan, Ms Theophanous and Mr Wakeling.

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

Ms Addison, Mr Fowles, Ms Green, Mr Hamer, Mr McCurdy, Ms McLeish and Mr Morris.

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

Mr Angus, Mr Battin, Ms Couzens, Ms Kealy, Ms Settle, Ms Theophanous and Mr Tak.

### **Privileges Committee**

Ms Allan, Mr Carroll, Ms Hennessy, Mr McGuire, Mr Morris, Mr Pakula, Ms Ryan, Ms Staley and Mr Wells.

### **Standing Orders Committee**

The Speaker, Ms Blandthorn, Mr Fregon, Ms McLeish, Ms Settle, Ms Sheed, Ms Staley, Ms Suleyman and Mr Walsh.

## **Joint committees**

### **Dispute Resolution Committee**

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

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

### **Electoral Matters Committee**

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

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

### **House Committee**

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

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

### **Integrity and Oversight Committee**

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

*Council:* Mr Grimley.

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

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

*Council:* Ms Crozier and Mr Erdogan.

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

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

*Council:* Mrs McArthur and Ms Taylor.

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

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

*Council:* Ms Patten and Ms Watt.

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**Thursday, 7 April 2022**

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

**Announcements**

**ACKNOWLEDGEMENT OF COUNTRY**

**The SPEAKER (09:32):** We acknowledge the traditional Aboriginal owners of the land on which we are meeting. We pay our respects to them, their culture, their elders past, present and future, and elders from other communities who may be here today.

**Petitions**

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

**DALTON–SETTLEMENT ROADS, THOMASTOWN**

This petition of residents in Victoria draws to the attention of the Legislative Assembly that we, the undersigned, request that the Dalton Rd and Settlement Rd roundabout intersection in Thomastown be replaced with a set of traffic lights. This roundabout is used by thousands of motorists each week, and numerous near-miss accidents occur on a daily basis. This roundabout is one of the busiest and most congested in the area because it handles all the traffic exiting and entering the M80. A set of traffic lights will help improve road safety at this intersection as well as traffic flow off the M80.

The petitioners therefore request that the Legislative Assembly of Victoria make the removal of the Dalton Rd and Settlement Rd roundabout a top priority and replace it with a set of traffic lights.

**By Ms HALFPENNY (Thomastown) (279 signatures).**

**Tabled.**

**Ordered that petition be considered next day on motion of Ms HALFPENNY (Thomastown).**

**Documents**

**DOCUMENTS**

**Incorporated list as follows:**

**DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT**—The Clerk tabled the following document under an Act of Parliament:

*Professional Standards Act 2003:*

Law Institute of Victoria Limited Professional Standards Scheme (*Gazette G11, 17 March 2022*)

Law Society of South Australia Professional Standards Scheme (*Gazette G11, 17 March 2022*)

South Australian Bar Association Professional Standards Scheme (*Gazette G11, 17 March 2022*)

The Queensland Law Society Professional Standards Scheme (*Gazette G11, 17 March 2022*).

**Business of the house**

**ADJOURNMENT**

**Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure, Minister for the Suburban Rail Loop) (09:34):** I move:

That the house, at its rising, adjourns until Tuesday, 3 May 2022.

**Motion agreed to.**

**Members statements****ECHUCA–MOAMA BRIDGE PROJECT**

**Ms ALLAN** (Bendigo East—Leader of the House, Minister for Transport Infrastructure, Minister for the Suburban Rail Loop) (09:35): On Sunday I look forward to joining thousands of members of the Echuca–Moama community to walk across the new bridges across the Murray and Campaspe rivers ahead of their official opening to traffic on Monday morning. After more than 140 years with a single Murray River crossing, drivers and pedestrians will now enjoy safer and easier trips between the towns. I would like to commend McConnell Dowell and their workforce and subbies for delivering the project months ahead of schedule. During construction 400 direct jobs and 1100 indirect jobs were supported, plus a number of local Indigenous-owned and operated companies worked on this iconic project.

The new Murray River crossing will be known as the Dhungala Bridge, and the new Campaspe River crossing will be called Yakoa Bridge, with Dhungala and Yakoa the respective names in Yorta Yorta language for the Murray and Campaspe rivers—a more than appropriate recognition of the region’s rich and proud Indigenous heritage. I would like to thank the Yorta Yorta Nation Aboriginal Corporation, the Moama Local Aboriginal Land Council and the Cummeragunja Local Aboriginal Land Council, who collaborated to name the bridges.

The Echuca–Moama bridge project will transform travel between the border towns. It is a landmark project, and I am proud to say it is being delivered by the Andrews Labor government. After decades of neglect, talk and empty promises from local National Party members, it is being delivered by the Andrews Labor government.

**COUNTRY FIRE AUTHORITY APPIN SOUTH BRIGADE**

**Mr WALSH** (Murray Plains) (09:36): On behalf of Captain Jack Hewitt of the Appin South CFA and the whole Appin South and Appin community, I raise their concerns in this house about the fact that they desperately need a new fire station. The current fire station is over 40 years old. It is not fit for purpose anymore. It is located on a sweeping bend with a blind spot when people are travelling to the west, and it is dangerous to take the truck out of the shed on that particular road. Where the fire station is located was flooded in the 2011 floods, and the CFA told the brigade they needed to find a new site to build a new fire shed. Darren and Tania Sutherland have kindly donated land on Loddon River Road, which has been subdivided and is there ready to have a fire shed built on it, but they cannot get funding from the CFA. I would urge the Andrews government in this year’s budget to provide funding to the Appin South brigade to have a new fire station built on Loddon River Road.

It takes a strong community to make sure there are enough people to have a fire brigade in a community. This community deserve a new station so they have a place to meet and they have a decent shed to put the fire truck in. They lost their football ground and they lost their community centre with the football club closing there a number of years ago. This is a great opportunity to empower that community, to reinvigorate that community and to make sure there is a strong brigade there into the future. On behalf of Jack Hewitt, the captain, and the community, I urge the Andrews Labor government to please fund a new fire station in the budget.

**RUDRA SEKHRI**

**Ms D’AMBROSIO** (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (09:38): I rise to congratulate Rudra Sekhri, a young climate change activist and future astronomer from South Morang who I recently had the pleasure of meeting at an event celebrating the 2021 ABC Takeover Melbourne competition winners. Takeover Melbourne calls for stories from young people about what it means to grow up in this city, and Rudra’s story of becoming fascinated with astronomy at the age of 11 was selected as a winner. In addition to his commitments as a busy year 11 student, Rudra works with scientists at the Swinburne Centre for Astrophysics and Supercomputing as part of the UTMOST collaboration and has already published his first book, titled *The Earth Needs You*, about the need to take action for a more sustainable future. As the local MP and

the Minister for Energy, Environment and Climate Change and Minister for Solar Homes it is so inspiring to see young leaders like Rudra using their passion to make the world a better place.

### HARMONY WEEK

**Ms D'AMBROSIO:** In this spirit I was also delighted to host a community celebration for Harmony Week with my community again this year, acknowledging the diverse cultural contribution of our rich multicultural community in my electorate. I would like to particularly congratulate the students from Al Siraat College for their participation. They were there in great numbers, sharing valuable learnings from Victoria's rich multicultural community and, coming from many, many different countries across the globe, what we have in common as proud Australians while also respectfully celebrating our differences. I am continuously impressed by our community members and the critical role they play as responsible citizens in continuing and protecting our community harmony and social cohesion.

### COVID-19

**Mr BATTIN** (Gembrook) (09:39): I rise to speak about a football club I was at this weekend, the Berwick Football Club, where I spoke to Josh. Josh is a wonderful supporter of the Berwick Football Club. He has been a big supporter throughout the electorate down there, and one of the topics he came up with this week that he is frustrated about was masks. He is so frustrated that we still have masks on schoolkids, which are some of his kids in the area. They do not have a choice, and the families should have that choice. He is frustrated that retail workers still have to wear masks while working in retail and that hospitality workers still have to wear masks while working in hospitality. All he is asking for is choice: why can't these people choose when to wear a mask?

At the moment here in this place—we have had another email to say that someone in here had COVID on Tuesday—we have a choice of when we wear a mask or not. When I was out at the Sri Lankan festival on the weekend, one minister wore a mask and other ministers and members of Parliament did not wear masks because they are given that choice in that environment. Why can't people who work within the industries of retail and hospitality have that choice given to them?

We are not saying there should be no masks; we are not saying you do not have masks at all. I look across at the moment at the Labor Party and one person is wearing a mask, and I say you have got every right to because it should be a choice. And Josh wants to see masks go. He wants to see us get rid of them. He said it is too important that people do not have that choice. We are calling on the government on behalf of Josh and his community down there: can we still have those choices in our community rather than control from the government?

### SENATOR KIMBERLEY KITCHING

**Ms HUTCHINS** (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (09:41): I rise to acknowledge the passing of Senator Kimberley Kitching. Kimberley was an outstanding senator, colleague and champion of democracy in our federal Parliament. Kimberley leaves behind a long life's journey of service and dedication to the Australian community. From her role as a unionist in the Health Services Union, her dedication as a local councillor for Melbourne City Council to her role as a senator in the federal Parliament representing Victoria, Kimberley has always been a champion for her community. Kimberley's long list of achievements will be etched into our country's history. She made a huge impact on our country and our society with her campaigning for the Magnitsky-style laws allowing Australia to impose sanctions on human rights violators, her efforts in helping rescue families from Afghanistan as Kabul fell and her hard work and dedication in helping Australian Victorian families and workers.

To know Kimberley was to know someone full of passion; she was full of dedication and commitment. As I attended the 25th anniversary of the Nepalese Association of Victoria's celebrations on Sunday night I thought of Kimberley. I know she would have been there; she probably would have been on my table. Fifty-two is way too young to go. Kimberley will forever be remembered for her hard work,

and Victoria is lucky to have had someone as passionate as her representing us in Canberra. I give my condolences to her family and to her partner, Andrew Landeryou.

#### **PRINCES HIGHWAY–DARLING–KOORNANG ROADS, MALVERN EAST**

**Mr M O'BRIEN** (Malvern) (09:42): The intersection of Princes Highway and Darling and Koornang roads in East Malvern has been the scene of a number of tragic pedestrian fatalities in recent months. Well before these deaths I called for the government to take action and fix this deadly intersection, but nothing happened. Following these tragedies the Minister for Roads and Road Safety wrote to me on 5 August last year, stating:

I am pleased to advise that funding has been secured to improve the safety at this intersection.

Eight months on and nothing has happened except the installation of an electronic sign encouraging drivers to look out for pedestrians. My community wants to know what real safety improvements will be made and when before tragedy strikes again.

Sally-Ann Filgate was a lady who, while crossing the road, was killed by a car at this intersection of Princes Highway and Koornang Road. I am informed by one of Mrs Filgate's devastated children that the woman driving the car who caused the tragic death of the much-loved lady was only sentenced to 170 hours of community service—170 hours for cutting short a life that had so much more to give.

Under this government Victoria has a legal system but it does not have a justice system. I call on the Attorney-General to explain how such a sentence could possibly be justified and why the Office of Public Prosecutions decided not to appeal what seems a manifestly inadequate sentence. The relatives of Mrs Filgate deserve to know the reasons why.

#### **JAGAJAGA COMMUNITY VOLUNTEER AWARDS**

**Mr CARBINES** (Ivanhoe—Minister for Child Protection and Family Services, Minister for Disability, Ageing and Carers) (09:44): Speaker, I was pleased to join you at the Jagajaga Community Volunteer Awards on the weekend with the federal member for Jagajaga, Kate Thwaites. I want to particularly acknowledge Kerry and Karen, good friends over the years, for being acknowledged at the Olympic Village Exodus Community for their work across the community.

#### **CRANBOURNE CASEY MEN'S SHED**

**Mr CARBINES:** Last week with the member for Cranbourne I visited the Cranny men's shed, and I want to congratulate and thank them for their commitment to the local community, as well as the Cranbourne Community House. There are a range of new grants that the government will be announcing shortly in relation to supporting our men's sheds right across the state.

#### **POINT LEO SURF LIFE SAVING CLUB**

**Mr CARBINES:** At Point Leo with the member for Nepean we announced the construction works underway thanks to a grant from our Changing Places program, which will provide greater access for people with a disability to some of the foreshore and also our beach and tourism opportunities down there, thanks to the surf lifesaving club at Point Leo.

#### **KOOWEERUP REGIONAL HEALTH SERVICE**

**Mr CARBINES:** And at Kooweerup Regional Health Service with the member for Bass we were able to understand more about the continuity of care that is provided at Kooweerup Regional Health Service and meet with a lot of the TAFE students who are doing their nursing placements at Kooweerup health services from Chisholm TAFE, and I want to congratulate and thank them. The home care package, the residential aged care and allied health services at Koo Wee Rup are really providing great services to the local community.

**ABORIGINAL CHILDREN'S FORUM**

**Mr CARBINES:** And also the Aboriginal Children's Forum in Traralgon—I want to commend and thank everyone for their commitment and work to ensure Aboriginal children in Aboriginal care continue to have great success.

**PORTLAND DISTRICT HEALTH**

**Ms BRITNELL** (South-West Coast) (09:45): This week we have seen the horrific story out of Portland of young mum Jessa giving birth on the side of the road because maternity services have been stripped from Portland District Health due to government mismanagement. Yesterday in Parliament the Minister for Health tried to claim that closing the maternity service was for safety reasons. How is it safer for a woman to give birth on the side of the road when there were midwives and doctors available in Portland? Midwives are not lining the sides of the roads, Minister. Claiming there is a workforce shortage has some truth, but what has the government done in this time to recruit staff in the regions for the last four years? The workforce rural planning strategy recommendation of 2018 and the government's own perinatal inquiry have been completely ignored by government. They have done nothing. This could have been avoided.

The minister has stacked the hospital board with outsiders—appointments by the minister for a reason. Services are being lost left, right and centre. We have lost ophthalmology and maternity, and now anaesthetics has been lost from Portland District Health. Today the Rural Doctors Association has slammed this outcome, as it will prevent the important role of training doctors that Portland had. There is clearly an agenda afoot. The government needs to come clean and stop hiding the truth from Portland. Services being cut says it all. Jessa's birthing experience was traumatic, not safe.

**MENTAL HEALTH SERVICES**

**Ms THEOPHANOUS** (Northcote) (09:47): My community needs more mental health services, and ever since I was elected in 2018 it is something I have been raising consistently in Parliament and in government and with our departments. We know that statewide there simply has not been a robust system there to support people when they need it most. We know the sector has been overburdened, convoluted and in some cases non-existent. It is why our government put in place a royal commission and has committed \$3.8 billion to rebuild Victoria's mental health system from the ground up.

As the member for Northcote I am pushing for critical investment into mental health services in the inner north. The serious gap in public services in the inner north is consistently raised with me by locals and organisations right across my community, and the gap has impact. I have heard from mums struggling alone with perinatal depression. I have heard from desperate parents trying to get help for teenagers with eating disorders. I have heard from older people who have suffered for years with a mental illness and had nowhere to turn. My community needs support close to home. We need a local public mental health service that has an open door for the people who need it. We need somewhere we can provide tailored, age-appropriate quality clinical care and psychosocial supports. We need our mental health system to be there for Northcote. I will not stop fighting for this. I will not stop working with our Labor government to deliver it. It is too important.

**AMBULANCE SERVICES**

**Mr ANGUS** (Forest Hill) (09:48): The crisis surrounding the ambulance service is continuing with the recent tragic revelations of the death of 12 Victorians, including four children. This was as a result of the failures in the 000 system where calls were either not answered or answered too late. The typical response by this government is to order an inquiry or pledge to throw more money at what they see to be the problem. The government needs to be transparent with the community and urgently address the real issues that are causing these terrible problems, which they have known about for a long time. Recent revelations that ambulance dispatch performance benchmarks have not been achieved every year from 2016–17 to 2019–20 show the government's complete incompetence. What a dreadful

situation it is now for all Victorians when we can no longer have confidence if we call 000 for help that firstly the call will even be answered and secondly help will come.

### ECONOMY

**Mr ANGUS:** The record level of taxation here in Victoria continues to hurt businesses, especially small businesses. As they struggle from the extremely difficult last two years, the government continues to reach deeper and deeper into the pockets of Victorians. With tax collections forecast to increase from \$16.9 billion in 2013–14 to \$26.6 billion in 2021–22, a staggering 57 per cent increase over just eight years, it is no wonder all Victorians are struggling with cost-of-living pressures. Only a Liberal-National government will be able to get the budget under control and deliver cost-of-living relief to all Victorians. Only a Liberal-Nationals government can manage the economy and budget responsibly and put an end to the ongoing massive cost blowouts on virtually all of the state's major projects.

### ARMSTRONG CREEK SCHOOLS

**Mr CHEESEMAN** (South Barwon) (09:50): The Armstrong Creek growth corridor is one of regional Australia's fastest growing regions, with many thousands of new residents moving in over the last few years. One of these rapidly growing suburbs is the suburb of Charlemont. Charlemont is a beautiful community with many young families moving in. I certainly know as a young father with two young boys, Isaac and Noah, how important it is that we deliver the essential services for those families to be close to home. We need to prepare for future growth so that these young families have the opportunity to educate their kids close to home. I have had the opportunity over the last few years to deliver many new schools to the Armstrong Creek growth community, including of course Mirripoa, Oberon and two Catholic schools in Iona and St Catherine. I am calling on the Andrews Labor government in the upcoming budget to deliver a new primary school for the Charlemont community so that those communities have every opportunity to educate their kids close to home.

### BEULAH HOOF AND HARVEST FESTIVAL

**Ms CUPPER** (Mildura) (09:51): There was a lot happening at both ends of the Mallee last weekend. At the far southern end of our electorate the town of Beulah hosted its inaugural Hoof and Harvest festival. The event was a roaring success, and it was so much fun to be part of Sunday's festivities at Squatter Coffey's farm, where my son was able to ride a horse for the first time and I was able to ride a horse for the first time since my year 9 Grampians camp. Organisers Viv Coffey and Barb Moore did a fantastic job of coordinating the three-day festival, which also included markets, face painting, live entertainment and a screening of the Eric Bana film *The Dry*, which was filmed at Beulah.

### RED CLIFFS CENTENARY

**Ms CUPPER:** Meanwhile at the northern end of the electorate the town of Red Cliffs was celebrating its 100-year anniversary. Red Cliffs began as a soldier settlement following World War I and has grown to become a proud, thriving, close-knit community with a special brand of fierce loyalty. It was an honour to attend the official opening alongside other community leaders and especially special guest Margaret Hunt, who was born at the same time Red Cliffs was proclaimed. Thousands turned out for the picnics, parades, historical tours and reunions as hundreds of former Red Cliffs locals came home to celebrate and reminisce about old times. Congratulations to the organising committee chaired by councillor Glenn Milne and other Red Cliffs identities including Bob Walton; Helen Petschel; Chris, Ian and Matthew Cook, Karen Wilcock, Jan Lloyd, Bonney Dietrich and Robert Evans.

### ROSAMOND BOWLING CLUB

**Ms HALL** (Footscray) (09:52): I rise on a number of local matters. The Rosamond Bowling Club, which was established in 1955, is a fabulous local club that offers so much more to the community than just bowls. I can remember my grandmother telling me off for running across the green as a little girl, and I am pretty sure I am not the only person in Footscray who has a story like that, because it is a true community club. But community spirit can only go so far. Clubs like Rosamond need financial

support to keep their doors open and support the volunteers who keep the club running for all of us to enjoy. Today I am calling on the Andrews Labor government to fund a new synthetic green for Rosamond Bowling Club. The costs of maintaining the grass are becoming unmanageable, and I believe that a new synthetic green would give the club a new lease on life.

### RAMADAN

**Ms HALL:** I would like to also wish Ramadan Mubarak to all Victorians who are celebrating at this holy time. I have so many fond memories of iftars over previous years, and I look forward to joining many people in my community throughout this month. The hospitality and generosity that is shown at these events is incredible, and I always look forward to them.

### ANDRE SIAKAGIANNIS

**Ms HALL:** I would also like to acknowledge and congratulate Andre Siakagiannis from Braybrook College, who was the only VCE VET furnishing student to be selected for *Top Designs* in 2022. The skill and optimism of his work is evident, and I cannot wait to see what he does next.

### BAYSIDE INCLUSIVE COMMUNITY SPORTS DAY

**Mr NEWBURY** (Brighton) (09:54): Congratulations to bayside sporting clubs who recently hosted the second Bayside Inclusive Community Sports Day. This year the sporting clubs partnered with Blind Sports Australia to expand into becoming an all-inclusive event. The event featured modified versions of sports to enable the participation of people who are vision impaired. Congratulations to Rachel Black from Bayside Hockey and all of the clubs involved.

### BRIGHTON ELECTORATE CRIME

**Mr NEWBURY:** Victorians have a right to feel safe in their homes. Disturbingly, there has been a frightening increase in the number of home invasions in Brighton. As a recent victim said to me, it is extremely disconcerting how brazen these criminals are. There are clearly not sufficient deterrents in place to prevent this type of behaviour. Most alarmingly, the police said this was occurring every night.

### BRIGHTON ELECTORATE CHILDCARE CENTRES

**Mr NEWBURY:** My community has spoken out loudly and said that it supports community-run child care in the Port Phillip municipality. Disturbingly, three centres in Port Phillip are under threat of closure, the Eildon Road Children's Centre in St Kilda, Elwood Children's Centre in Elwood and The Avenue Children's Centre and Kindergarten in Balaclava. The centres are operated from aged council-owned buildings which require significant maintenance and upgrades—upgrades the council cannot afford without state support. Yesterday representatives and parents from the centres presented Port Phillip councillors with a petition calling on the council to not sell their centres. It has been signed by 3200 people. It shows loud and clear that my community supports the centres. The council needs financial support from the Labor government. Labor needs to step up, do the right thing and provide support.

### GLENN O'DONNELL

**Ms WARD** (Eltham) (09:55): Today I remember Glenn O'Donnell ESM. After Glenn's short battle with cancer our community has lost an exceptionally kind and gentle man. Glenn spent most of his life in the Diamond Valley becoming an integral and important part of our community, particularly through his involvement with our SES. For 34 years Glenn was a dedicated volunteer with the SES. His exceptional service was recognised in 2017 when he was awarded the Emergency Services Medal. Glenn was the unit controller of Nillumbik for the last 18 years, spending a fair bit of that time on the phone or in catch-ups with Steve Herbert, the former member for Eltham, and then me, always gently and persistently advocating for the SES. Glenn had many roles at our SES. He was deputy controller for 10 years as well as team leader, crew leader, rescue officer and training officer.

I remember Steve talking to me about all the work Glenn and he undertook to take the VICSES Nillumbik unit out of the rickety green shed with the portaloos to the former Eltham bowls clubrooms. It took some time, but they managed to procure a terrific spot for the SES. Once in, the work did not stop. In addition to applying for grants for more equipment and vehicles the site was transformed into a modern facility thanks to Glenn's advocacy and the support of the state government and the Shire of Nillumbik.

The horrific fires of the 2009 summer will never be forgotten, nor will Glenn's support of those who needed it most in those dark days. His support extended to taking annual leave from work as soon as his volunteer leave ended so that he could continue to help coordinate three VICSES relief centres. It was moving yesterday at Glenn's funeral to not only hear from his friends from VICSES but also from many friends from Australia Post, who had so much regard, respect and love for their workmate. There was a common theme from everyone who spoke: Glenn's kindness. My staff and I enjoyed working with Glenn over the years. Thank you, Glenn, for all you gave us.

### MENTAL HEALTH REFORM

**Mr FOWLES** (Burwood) (09:57): Mental ill health impacts every Victorian. It is an issue with very real consequences. If we ourselves do not live with mental ill health, someone we love does. I like thousands of Victorians live with anxiety and depression. I have experienced firsthand the challenges of navigating the mental health system and the need for reform, and that is exactly what the Andrews government is delivering. The landmark Royal Commission into Victoria's Mental Health System has started a decade-long commitment to build a world-class public mental health system. It is a big task and an expensive task, but it is worth every single one of the \$3.8 billion we are investing, and progress is already underway.

We are only 12 months into the journey, but work has commenced on 85 per cent of the royal commission's recommendations—recommendations we accepted in full right from the outset. It is a tremendous effort and brings me immense hope to see the progress over the past year. We are getting on and building 60 walk-in mental health and wellbeing services across every corner of the state, including a dedicated service in Ringwood which will serve as a hub for all things mental health and wellbeing in the east. We are also making record investments to bolster acute services, including eight new and refurbished youth centres, four child and family centres, over 100 new mental health beds and a \$350 million upgrade of the Thomas Embling Hospital. Reform is coming to every corner of our state, and we have only just begun. To all of those who live with mental ill health I say this: the Andrews government stands with you and is committed to a brighter tomorrow.

### COVENANT COLLEGE

**Mr EREN** (Lara) (09:58): It was another busy week in my electorate of Lara last week. It was wonderful to officially turn the sod for construction of the new classrooms at Covenant College. This purpose-built facility means neurodiverse students will have access to learning support tailored to their interests and needs. This will have a huge impact on the students and the school community. I am sure it will inspire a new passion for learning among students and innovation in teaching. Well done to principal Sue Cox. Covenant College is a very special place, and I am so proud to have it in my electorate.

### CORIO SPORTING CLUB

**Mr EREN**: I also had the pleasure of attending Corio Sporting Club reserve to meet an amazing group of young netballers and see firsthand the site for their soon to be redeveloped female-friendly change rooms. This \$500 000 facility will go a long way to support the growing number of females in Geelong's north keen to get involved in local sport and recreation. It is a great example of how the Victorian government is making sport and recreation more accessible, welcoming and inclusive for more Victorians through the 2021 Local Sports Infrastructure Fund. Great work, Greg and the committee at Corio football club. I cannot wait to watch the progress of this much-needed facility.



**NORLANE EMERGENCY RELIEF CENTRE AND OP SHOP**

**Mr EREN:** I was also lucky enough to visit an amazing team at the Norlane emergency relief centre and op shop. During the pandemic, when people needed it most, Karen and her great team of volunteers were working hard to support our community. I thank them all for their work. Thank you again to the team for having me, and thank you again for your hard work supporting our community.

**LAKE KNOX**

**Mr WAKELING** (Ferntree Gully) (10:00): Recently I had pleasure in joining the member for Warrandyte, the Shadow Minister for Planning, to announce that the Liberal Party has committed to saving Lake Knox in the City of Knox. This lake, which is located on the Department of Environment, Land, Water and Planning site in Knoxfield, is proposed to be bulldozed by the Andrews government against the wishes of the Knox community. Over 20 000 people have signed petitions calling for this lake to be saved, yet the government is refusing to listen and has now put a planning application in to destroy this lake. We have committed to saving the lake. We have committed to creating a local community consultation committee with local experts working together to ensure that we can identify solutions to save this lake. More importantly, we are working with the community to ensure that it can be preserved as a sanctuary. On Sunday there was a day of action, and I was very pleased to address the community to confirm our commitment. The message is loud and clear: Knox residents want the Andrews government to follow the lead of the Liberal Party, to commit to saving this lake and to withdraw their application to bulldoze the lake. Once it is gone, it is gone. The Andrews government needs to start listening to the needs of Knox residents.

**HON. RONALD WILLIAM 'BUNNA' WALSH**

**Mr FOLEY** (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (10:01): I rise today to pay tribute to the life and contribution of a former member for Albert Park, Ronald Walsh, known to the world as 'Bunna'. Bunna lost his long battle with Parkinson's disease last week at the age of 88. That followed the loss of his beloved wife of 59 years, Lynette, in 2020. Bunna was loved by the Port Melbourne community, as was Lyn, and he loved it in return. He was the father of two children, Karen and Neville, and the loving grandfather of a number of grandchildren. He loved his family and his community, and it shone in all his work.

Bunna was old Port Melbourne at its best, a working-class boy from the borough, born and bred in Port, educated and lived in South. He became a wharf labourer in the 1950s, joined the Australian Labor Party in 1954, was a union official with the Waterside Workers Federation from 1964 to 1979, with a very interesting interlude in 1970 when he was the only person in the history of this Parliament refused the ability to take up his seat in the Legislative Council as a result of a childhood conviction—an ambush by the Liberal Party and a vendetta he held until his dying day, I can assure you. Bunna was an extraordinary person. He was well loved by the community. In his inaugural speech he said he would fight:

... to ensure that tenants, the elderly, the unemployed, the exploited and the working people receive a better deal and that the economy of this State and country is used for the benefit of all ...

Vale, Bunna.

**BANKING SERVICES**

**Mr DIMOPOULOS** (Oakleigh) (10:03): I rise today to express enormous concern on behalf of my community of Carnegie and Murrumbeena at the announcement by the Commonwealth Bank that it will close the last remaining bank branch in Carnegie. That will leave the entire Carnegie shopping strip and the Carnegie community with not one bank, so that is 250 businesses and thousands of residents with not one bank. There is a community bank in Murrumbeena, which is fantastic, but no bank in Carnegie.

My view is that while banking is a private business, it is also an essential service, and we regulate other essential services like telecommunications. Telstra is a private company, yet the government in Canberra makes laws around what Telstra can and cannot do—untimed local calls, free emergency number calls. The federal government needs to do more to keep banks relevant to the community for older people and for shopkeepers who need to take their takings to a bank. You cannot do everything at an Australia Post office, and even if you could do everything, they do not have the relevant security arrangements. Banks need to do better. Over 100 banks have closed in Victoria since January 2020—just over two years—and over 400 in the rest of the country. At this rate there will be no bank branches left in five years if they keep closing 50 a year. It is not good enough. It is not just the Commonwealth Bank; every bank needs to do better, and the federal government has to do better.

### PAUL WISE

**Ms BLANDTHORN** (Pascoe Vale) (10:04): In the short time I have available I would like to acknowledge the contribution of Mr Paul Wise, the outgoing president of the school council at Pascoe Vale Primary School. Paul has been on the school council for 14 years. He was president for four years, and he was vice-president before that. His eldest child started in 2007 and his youngest child finished in 2020. Paul has made an amazing contribution, particularly in relation to the rebuild of Pascoe Vale Primary School, and I wish him well.

### Business of the house

### NOTICES OF MOTION

**Mr PAKULA** (Keysborough—Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events, Minister for Racing) (10:05): I advise that the government does not wish to proceed with government business, notice of motion 1, and ask that it remain on the notice paper.

### STANDING AND SESSIONAL ORDERS

**Mr PAKULA** (Keysborough—Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events, Minister for Racing) (10:05): I move:

That so much of standing and sessional orders be suspended to allow for the following arrangements:

- (1) The order of business for Tuesday, 3 May 2022, is:
  - Question time
  - Formal business
  - Statements by members
  - Government business
  - General business.
- (2) Condolences are to be given precedence, if required, on Wednesday, 11 May, and Thursday, 12 May 2022.

**Motion agreed to.**

### Bills

### VICTIMS OF CRIME (FINANCIAL ASSISTANCE SCHEME) BILL 2022

#### *Statement of compatibility*

**Ms HUTCHINS** (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (10:07): In accordance with the Charter of Human Rights and Responsibilities Act 2006, I table the statement of compatibility with respect to the Victims of Crime (Financial Assistance Scheme) Bill 2022.

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the **Charter**), I make this statement of compatibility with respect to the Victims of Crime (Financial Assistance Scheme) Bill 2022 (the **Bill**).

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

### **Human rights issues**

The Bill among, other things, provides a new scheme to assist victims of crime in their recovery from acts of violence.

The Bill engages the following rights under the Charter:

- privacy and reputation (s 13)
- fair hearing (s 24)
- right against self-incrimination (s 25(2)(k))
- property rights (s 20)
- freedom of expression (s 15)
- right to life (s 9)
- protection of families and children (s 17)

For the following reasons, I am satisfied that the Bill is compatible with the Charter and, if any rights are limited, those limitations are reasonable and demonstrably justified having regard to the factors in section 7(2) of the Charter.

### **Improved access to financial assistance for more victims**

The Bill implements the recommendations of the Victorian Law Reform Commission (VLRC) to reform state-funded financial assistance for victims of crime. The Bill establishes an administrative scheme that simplifies the application process for victims of crime and begins the transition away from the Victims of Crime Assistance Tribunal (VOCAT).

Importantly, the Bill will make the new financial assistance scheme victim-centred and trauma-informed and allow more victims to access support through a fair and consistent process. The scheme is designed to support victims of crime and their families to recover from acts of violence.

Clause 40 of the Bill allows a victim to request a victim recognition statement from the scheme decision maker, and clause 41 allows a victim to request a victim recognition meeting. This acknowledgement is a key-feature of the scheme to support a victim's recovery.

The scheme increases victims' eligibility to access seek financial assistance. The Bill expands, among other things, the definition of 'close family member' to better recognise contemporary understandings of familial relationships, including Aboriginal kinship relationships, and LGBTIQ+ chosen families. Importantly, the Bill removes the shared pool of financial assistance for families bereaved by homicide and enables them to make individual claims and so reduces the trauma and conflict in bereaved families by allowing the scheme to be more responsive to individual family members.

The Bill clarifies and makes it easier for victims to establish their claim. For example, the Bill removes the need for people applying to the scheme to establish 'mental illness or disorder' and provides a revised definition of injury to include 'psychological or psychiatric harm' instead. This aligns the new Victorian scheme with other jurisdictions across Australia.

The new scheme retains the position at VOCAT where all victims are currently required to provide a police report with their application. Where a victim has not reported the act of violence to the police and is not able to establish the exceptional circumstances, that victim will not be eligible for financial assistance under the scheme. At a future stage, requirements could be reduced and streamlined through regulations by exempting certain victim cohorts, such as survivors of sexual assault and child abuse, from having their applications mandatorily refused for a failure to report the crime or assist in a police investigation or prosecution.

Finally, the Bill enshrines cultural safety for Aboriginal Victorians in its guiding principles (clause 6) and explicitly acknowledges that Aboriginal and Torres Strait Islander people have been disproportionately affected by the criminal justice system, which has contributed to intergenerational trauma and entrenched social disadvantage. While this does not expand eligibility, the guiding principle in legislation enshrines the commitment to deliver a culturally safe service that considers Aboriginal and Torres Strait Islander cultural rights and familial connections.

**General promotion of Charter rights**

The Bill promotes victims' rights as set out in the Victims' Charter and which are beyond the scope of the civil and political rights protected by the Charter. The reforms also improve outcomes for victims of violent crime and their families and promote Charter rights including:

- the right to life (section 9) which encompasses a general obligation on the State to take positive steps to protect life, including by enacting schemes that uphold public welfare and safety and the scheme could be characterised as improving the standard of life of persons affected by violent crime
- the right to protection of family (section 17(1)) which includes a positive requirement on the State to provide protection to families as the fundamental group unit of society, and ensuring families are not deprived of support in unreasonable circumstances
- cultural rights (section 19) which includes the specific protection for Aboriginal persons at section 19(2), and provides that they must not be denied the right to enjoy their identity and culture, maintain kinship ties, or to maintain their distinct spiritual, material and economic relationship with the land, waters and other resources with which they have a connection under traditional laws and customs, and
- the right to privacy and reputation (section 13) which will be discussed further below.

**No alleged offender notifications**

This scheme will not notify a person who committed, or is alleged to have committed, an act of violence in respect of an application that an application has been made. Furthermore, a person who is alleged to have committed an act of violence is not entitled to make submissions or refute any allegations made against them. This aligns with recent amendments to the *Victims of Crime Assistance Act 1996* to remove alleged offender notifications.

This engages both the rights to protection of reputation (section 13) and fair hearing (section 24) of alleged offenders.

*Right to reputation (section 13)*

Section 13(b) of the Charter provides that a person has the right not to have his or her reputation unlawfully attacked.

The scheme does not allow alleged offenders to refute allegations made against them and therefore may limit their reputational right. This feature implements the recommendations of the VLRC, who identified widespread concerns related the prospect of offenders being notified of hearings, which can significantly re-traumatise victims, raise concerns for their safety and wellbeing and ultimately discourage them from applying for assistance. I consider that protecting victims against these consequences provides a compelling justification for limits on offenders' rights.

Further, any interference with this right is mitigated through the confidentiality and non-publication provisions in the Bill which apply to application materials and decisions (clauses 57 and Division 1 of Part 6), which prohibit the publishing of materials that may identify any person connected with an application including an alleged offender (discussed further below). Additionally, the Bill does not abrogate a person's existing rights at law to protect their interests and reputation, including pursuing civil action such as defamation for any unlawful attacks on their reputation.

Accordingly, in my opinion any limitation of the right is reasonable and justified under section 7(2) of the Charter in the interests of protecting victims and furthering their capacity to access assistance under the scheme.

*Right to a fair and public hearing (section 24)*

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

In my view, the 'non-notification' of offenders does not engage the right to fair hearing. While it is unsettled at law whether administrative applications for assistance before the scheme decision maker would constitute 'civil proceedings', in my view an offender would not be considered a 'party' to these proceedings. The applications are ultimately concerned with the payment of assistance and involve findings about whether the applicant was subject to an act of violence and is eligible to receive state funded assistance. Decisions and assistance paid are confidential and restricted from publication where it would identify a party. Accordingly, while the application may consider the identity of an alleged offender, any findings do not affect their legal rights and liabilities and they are not liable for the payment of assistance under the scheme. It is important to note however, the Bill does allow for the victim to assign its right to the State their right to recover from any

other person, by civil proceedings, damages or compensation in respect of the injury or death to which the assistance relates.

In any event, even if this right is engaged, a limit on this right is reasonable and justified under section 7(2) of the Charter by reference to the benefit of promoting victims' interests and access to financial assistance, which is the fundamental purpose of the scheme.

### **Information gathering powers**

The Bill provides the scheme decision maker with broad powers to obtain information to ensure the effective operation of the scheme and enable the scheme decision maker to perform their functions, including deciding applications for financial assistance.

#### Authorisation by applicant for decision maker to obtain information

Clause 22(1)(c) of the Bill requires a victim to provide an authorisation for the scheme decision maker to obtain any other information or document that the decision maker considers necessary to decide the application. This authorisation also allows the scheme decision maker to obtain information regarding any other applications made by the applicant for damages, compensation or assistance of any kind under another scheme, and to share information about the financial assistance application with another scheme that provides for damages, compensation, assistance or payments of any kind. Clause 56(1)(b) also enables the scheme decision maker to request a person to provide to the scheme decision maker any information or documents relevant to the application.

Clause 22(1)(c) makes a victim's application for assistance contingent on authorising the scheme decision maker to collect a broad range of information and documents about them. Further, information from the application may be disclosed to other decision makers under another scheme.

These provisions authorising broad information gathering and disclosure by the scheme decision maker engages the right to privacy (section 13).

#### Right to privacy

Section 13(a) of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. This includes a right to information privacy in relation to personal affairs.

An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

In my view this provision is reasonable and appropriate to the legitimate aim sought, which is to establish an accessible and streamlined financial assistance scheme for victims of crime. The ability of the scheme decision maker (or their delegate) to expeditiously obtain necessary information to allow assessment of an application will facilitate the scheme providing timely financial assistance to victims and ensure applications are decided on their merits. This in turn will promote the economic and social rights of victims by enabling victims to access support that assists in their recovery and so participation in the community and economy. Applications to the scheme are voluntary, and it is appropriate that a victim may need to share private information with the scheme decision maker to ensure their application is appropriately considered. Sufficient safeguards are in place, as highlighted, to ensure this information is not shared beyond what is necessary.

Confidentiality provisions in the Bill ensure that any information obtained by a decision maker is not disclosed, except in very limited circumstances. Interferences with privacy are further limited by the obligation on the scheme decisionmaker to act expeditiously to decide an application.

Accordingly, I consider that the right to privacy is not limited.

#### Notice to provide information

Clause 56 of the Bill gives the scheme decision maker the power to compulsorily obtain information and documents from any person other than the victim by written notice and creates an offence for non-compliance with this written notice. The information the scheme decision maker may require in the written notice must be relevant to the performance of their functions.

The time for compliance with a written notice is not stipulated in the Bill but may be extended at the scheme decision maker's discretion. The clause contains what is in effect a defence of 'reasonable excuse' so that a person with a legitimate reason for not providing the requested information to the decision maker, or for not providing it within time, is not guilty of an offence under the provision. Importantly, this protects the right against self-incrimination (section 25(2)(k) of the Charter), such that a 'reasonable excuse' for not providing information to a decision maker would include the fact that the information would tend to incriminate them.

Given clause 56 and its offence provision involving the compulsory acquisition of potentially private information from a person, the right to privacy (section 13) is engaged.

*Right to privacy*

As discussed above, section 13(a) of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. I consider that clause 56 falls within the qualification on the right to privacy because it is reasonable and proportionate to the aim of enabling the scheme decision maker to appropriately and thoroughly evaluate applications for assistance in order to ensure that victims obtain timely financial assistance. The confidentiality protections contained in clause 57 that place non-disclosure obligations on the scheme decision maker and their staff mitigates any impacts on privacy rights.

As such, I am of the view that clause 56 of the Bill is compatible with the Charter.

**Restriction of publication**

Clauses 60–62 relate to the restriction of publication of documents and information relating to an application.

Clause 61 of the Bill restricts the publication of scheme documents, which includes those documents created in the performance of a function under the Bill by the scheme decision maker or a member of their staff that identifies or is likely to lead to the identification of a person who has made an application under the scheme or is otherwise connected with an application, or a copy or extract of any of these documents.

Subclause (2) then stipulates that a written notice of a decision made on an application, a victim recognition statement and any written material provided to a person by the scheme decision maker or other staff member at a victim recognition meeting, must not be published. Subclause (3) contains an exception for documents that are otherwise admissible as evidence in a legal proceeding and are required to be published pursuant to a court order in that proceeding.

Clause 62 similarly prevents the publication of any information related to a decision of a scheme decision maker or a member of their staff on an application that identifies, or is likely to lead to the identification of, a person who has made or is otherwise connected with the application. An adult applicant may also publish or consent to the publication of information pursuant to subclause (3) of the Bill, as long as the information only identifies them, or a person connected with the application who has consented to the publication. Subclause (4) then prevents the publication of information which would identify an under-age offender or alleged offender.

For both clauses, a ‘person connected with an application’ includes a person who committed, or is alleged to have committed, an act of violence in respect of which an application has been made.

Given these provisions will prevent, in particular, a victim of crime from publishing material connected to their application for assistance, the right to freedom of expression (section 15) is engaged.

*Right to freedom of expression*

Section 15(2) of the Charter provides that every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds. However, section 15(3) provides that special duties and responsibilities attach to this right, which may be subject to lawful restrictions reasonably necessary to respect the rights and reputations of others, or for the protection of national security, public order, public health or public morality.

The provisions seek to protect the privacy rights of victims of crime, by ensuring that personal and sensitive information connected with their applications for assistance is not published. This supports the overarching aim of encouraging victims to access assistance through the scheme by reassuring them that the process will be confidential.

Additionally, the provisions also prevent the publication of information which identifies a person connected with an application, including the person who has committed, or is alleged to have committed, an act of violence in respect of which an application has been made and other victims. As discussed above, alleged offenders are not a party to the application and have no right to test or refute the allegations made against them in the application process, these non-publication provisions protect against interferences with such a person’s reputation. Victims may talk about their experiences with the scheme and the contents of their application as long as they do not identify others connected to the application without their consent.

I am therefore of the view that clauses 60–62 fall within the internal limitation of the right to freedom of expression and is therefore compatible with the Charter.

***Admissibility of scheme materials in legal proceedings***

Clause 63 of the Bill prohibits the following documents (including copies or extracts of or from them) from being admitted as evidence in any legal proceeding:

- an application for assistance or variation of assistance under the scheme
- a document accompanying an application that was prepared solely for the purposes of the application
- a document provided to the scheme decision maker, or a member of staff, in connection with an application that was prepared solely for the purposes of the application, and
- a document prepared by the scheme decision maker, or a member of staff, in connection with an application.

These documents are only admissible if a victim consents to the admission of such documents, or for one of the new scheme offences, for perjury or fraud related offences, or for offences involving an interference with the due administration of justice and may not be subpoenaed or otherwise compulsorily acquired under any court process (including through discovery obligations in civil proceedings).

Clause 64 provides that victims cannot be cross-examined on the contents of inadmissible documents or be compelled to consent to the admission of such documents, with subclause (3) requiring the court to advise the victim of the protected status of the documents and the consequences of the victim providing that consent. The court may also disallow cross-examination of a victim on the contents of a document that they have consented to be admitted if it is considered appropriate in the interests of justice.

By deeming evidence inadmissible in other legal proceedings, the provision engages the rights to fair hearing (section 24) and criminal process rights (section 25).

*Right to fair hearing (section 24) and criminal process rights (section 25)*

Section 24 provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding determined by a competent, independent and impartial court or tribunal after a fair and public hearing.

In addition, section 25 of the Charter identifies specific rights in criminal proceedings that can be characterised as elements of fair hearing, including the right to be presumed innocent until proven guilty (section 25(1)), the right to adequate time and facilities to prepare one's defence (section 25(2)(b)) and the right to cross-examine witnesses (section 25(2)(h)).

As these provisions may have the effect of prohibiting disclosure or admissibility of evidence that may be relevant to a criminal or civil proceeding, which may have the effect of disadvantaging a party in that proceeding, this may pose a limit on these rights. The Bill additionally provides that, within two years of the commencement, the Minister must cause an independent review to be conducted on the operation of the Bill, once passed. It is intended that, as part of the independent review, the operation of clause 63 will be considered to ensure that any limit on the accused rights to a fair trial remains reasonable and justified.

*Nature of the right*

A fair hearing includes a reasonable opportunity for each party to present its case. This includes the opportunity to be informed of the opposing party's case and to respond. The Supreme Court has also found that the right to a fair trial under Article 14 of the *International Covenant on Civil and Political Rights* and the principle of equality of arms that it incorporates includes the right of an accused person to seek documents from the prosecution that are necessary for a fair trial. This includes the right (which is expressly recognised in section 25) to obtain the attendance of, and examine witnesses, under the same conditions as the prosecution.

The precise content of the right is context-dependent, but the overarching concern is to ensure a party has a reasonable opportunity to put their case in conditions that do not place them at a substantial disadvantage compared to their opponent. This encompasses the duty of prosecutors to disclose relevant material to the accused in criminal proceedings that may assist in the defence, the subpoena process (to seek information from non-parties), as well as the discovery process in civil proceedings.

However, the High Court has acknowledged that, in some circumstances, the requirements of procedural fairness may be qualified where necessary to protect important countervailing interests. More broadly, courts have consistently recognised the importance of privacy rights of victims of sexualised violence, particularly with respect to communications made in a context of trust for the purpose of seeking support for recovery.

*Importance of the purpose of the limitation*

This provision serves the pressing importance of protecting a victim's right to privacy so that personal and sensitive documents are not admissible in the criminal proceedings of the alleged offender or other legal proceedings. Under the previous scheme, victims' records could be subpoenaed and used in criminal proceedings to challenge the credibility of a victim.

The scheme provides an entitlement for victims to apply for assistance to help them with their recovery from acts of violence. Having a victim's private and sensitive information compelled for production may cause further distress and emotional harm for a victim and may lead to further traumatisation. Protecting the integrity

and informational privacy of the application process is about ensuring victims are not discouraged from seeking assistance or from providing the information necessary to determine their application.

The personal information prepared for the specific purpose of the application and provided to the scheme is not appropriate for use in legal proceedings without the victim's consent. Additionally, it may be particularly harmful for a victim if an alleged offender obtains information about the impact of the crime on the victim, including any physical or psychological injuries, and then uses that information against the victim. This may also undermine the benefit of any assistance provided under the scheme.

This purpose supports the victim-centred focus of the scheme, implements the recommendations of the VLRC and follows the approach adopted in New South Wales.

*The nature and extent of the limitation*

The right to a fair hearing does not protect against mere 'inconvenience.' The ultimate question is whether the provision would lead to a 'substantial disadvantage' for an accused in a criminal proceeding or party in a civil proceeding. Given that the content of the right to fair hearing is dependent on the context, the extent of the limitation on that right cannot be determined in the abstract.

However, it is possible that the provision may prevent the production or tendering of evidence relevant to a criminal proceeding, that relates to the credibility of a victim. For example, comparing the consistency of a victim's prior statements at different times may be used as a test of credibility.

The provision only applies to application material provided to the scheme and that was prepared solely for the purpose of the application, so pre-existing documents that were not prepared specifically for the application, or pre-existing documents held by other sources, may still be subpoenaed or otherwise adduced in legal proceedings. The provision will also not prevent a document being admissible as evidence in specified proceedings such as fraud or perjury offences, offences against the Bill or with the consent of the applicant.

*Relationship between the limitation and purpose*

The provision bears a rational connection to the legislative purpose, in that it promotes access to, and the integrity of, the scheme by ensuring that a victim's personal and sensitive information is protected from compelled disclosure.

*Availability of less restrictive means*

In my view, the provision seeks to protect and promote the right to privacy of victims, and to ensure that victims are not disincentivised from applying for assistance under the scheme, due to the fear that their personal and sensitive documents and information may potentially be disclosed to the alleged perpetrator of an offence against them.

As such, I am of the view that there are no less restrictive means available, consistent with the recommendation of the VLRC, which was made following a detailed public consultation and consideration of submissions of various stakeholders.

I am thus satisfied that this provision is compatible with the right to fair hearing.

***Transitioning from the Victims of Crime Assistance Tribunal (VOCAT)***

The transitional provisions of the Bill facilitate the transition to the new scheme from VOCAT awards, such that VOCAT can focus on finalising all pending matters. Clause 74 of the Bill provides that a recipient of assistance under the *Victims of Crime Assistance Act 1996* may apply to the scheme decision maker for a substantive variation of their award, and more than once for a minor variation. A minor variation of an award means a variation that gives effect to the original intention of the award and a substantive variation is not a minor variation.

This provision seeks to allow recipients of assistance under the old regime to apply to the scheme to substantively vary their award to account for a change in circumstance. Victims may apply for a minor variation as many times as required, and victims may seek additional assistance through a substantive variation, are limited to one further application. This aims to promote the economic social and property rights of victims as the financial assistance scheme is overhauled.

However, this has the potential to limit the rights of those victims who, under the old scheme, were still within the period to apply for variations to their award. This engages a victim's property rights (section 20) of the Charter.



*Right to property*

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

‘Property’ is not defined in the Charter, and the scope of the right is yet to be examined by Victorian courts in any detail. Although ‘property’ is generally considered to include all real and personal property interests recognised under general law, it may include some statutory rights. Rights that have been recognised as ‘possessions’ under the *European Convention on Human Rights* include a court or arbitral award, but only if it is final and enforceable.

Accordingly, it is unclear as to whether a right to apply for a statutory award falls under ‘property’ for the purposes of section 20 of the Charter. In any event, section 20 contains a qualification: if a person is deprived of their property ‘in accordance with law’ there has been no limitation on the right under section 20. For deprivation of a property right to be lawful, the relevant law must be sufficiently accessible and precise to allow members of the public to regulate their own conduct.

In my view, clause 74 is sufficiently accessible and precise to allow for victims and other members to have certainty with regard to their rights, and to regulate their conduct accordingly. As such, I am of the view that even if the right to apply for a substantive variation of assistance is a property right, clause 74 of the Bill constitutes a lawful deprivation of any such property right, so that section 20 is not in fact limited.

Further, any limitation of property rights under section 20 of the Charter are reasonable and justifiable under section 7(2) of the Charter given clause 74 has the important purpose of providing certainty in the costing and resourcing of the new scheme, so that it can be implemented effectively without any risks to the ongoing viability of the scheme. Accordingly, it is necessary to partially cap historic claims, so that VOCAT can be abolished once all pending matters are finalised.

**The Hon Natalie Hutchins**  
**Minister for Victim Support**

*Second reading*

**Ms HUTCHINS** (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (10:07): I move:

That this bill be now read a second time.

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

**Incorporated speech as follows:**

In 2018, the Victorian Law Reform Commission reported on its review of the Victims of Crime Assistance Tribunal (VOCAT) and its governing legislation, the *Victims of Crime Assistance Act 1996*. The VLRC found that the experience for victims in applying to VOCAT is highly retraumatising and requires engagement with an often complex, lengthy and delayed process. This is often after victims have already assisted police with investigations and been through the trauma of participating in a criminal prosecution process. Under the previous approach, victims often faced lengthy delays before receiving awards, and were sometimes exposed to the indignity of the perpetrator being notified to attend a hearing.

These issues were not new. For years, victims have been emphatically telling us that more work needs to be done to provide them with real access to justice. They have shown courage and fortitude, in drawing on their own experiences, to call for change in how victims of crime are treated and supported during what is likely to be one of the most difficult periods of their lives. They see the system as broken and in urgent need of being rebuilt. Rightly so, their expectations for reform are high.

This Bill tabled today, addresses these issues by establishing a new administrative financial assistance scheme for victims of crime that acknowledges the harm and experience of the victim and is built to assist in their recovery from acts of violence.

This Bill will bring Victoria in line with other jurisdictions that have shifted from a courts-based approach to an administrative scheme, ensuring that victims of crime in our community are given the financial support and assistance they need to help them recover from the far-reaching effects of violence. This is the most significant reform for victims of crime in Victoria in decades and is well overdue.

**The Bill in detail**

I now turn to the substance of the Bill in detail.

The Bill establishes a new administrative scheme overseen by a scheme decision maker which will sit within the Department of Justice and Community Safety, alongside other victim services, leading to greater streamlining and co-ordination with other major elements of our victim support system. The scheme is underpinned by a focus on assisting victims to understand their entitlement to assistance, to supporting their wellbeing and dignity, and is built on principles of ensuring the scheme is accessible and flexible in the assistance provided. These fundamental values are crystallised in the Bill as guiding principles which must be considered when making a decision and include:

- the need to protect victims from further trauma, intimidation or distress
- that victims' needs, safety and wellbeing must be paramount
- that the scheme must be accessible and flexible in the assistance provided, as victims' needs may vary, and
- the promotion of cultural safety for victims who are Aboriginal, Torres Strait Islander or both.

Building on the approach under the *Victims of Crime Assistance Act 1996*, the scheme will provide eligible 'primary victims', 'secondary victims' and 'related victims' with financial assistance to assist in their recovery from acts of violence, including assistance for counselling services, reasonable medical expenses and loss of earnings. Primary victims include victims who are injured as a direct result of an act of violence and are eligible for assistance up to \$60,000. In addition to this assistance, primary victims are eligible for special financial assistance in recognition of the harm they suffered. Secondary victims include victims who are present at the scene of an act of violence, and related victims are those who had a close personal relationship with a deceased victim, both being eligible for up to \$50,000 to assist in their recovery from an act of violence. Assistance is also available to anyone who has incurred funeral expenses as a result of an act of violence, and the scheme may pay interim assistance for immediate needs pending the final determination of an application. Furthermore, through regulations, the current maximum of special financial assistance available will be doubled from \$10,000 to \$20,000, or to \$25,000 for 'related criminal acts' as defined under the scheme, therein increasing the assistance available to victims.

Recognising the delays that victims currently face at VOCAT, the Bill provides that the scheme must act expeditiously when deciding applications and cannot delay determination because there are pending legal proceedings. Once a decision has been made on an application, the scheme decision maker is obliged to provide to any applicant a written notice of decision as to the outcome of their application. Communication and correspondence from the scheme will be trauma informed and use a plain language approach to communication.

Some of the most significant changes from the current approach under the *Victims of Crime Assistance Act 1996* include increasing the time-limit to make an application for victim survivors of family violence and survivors of sexual offences to 10 years and for other offences to three years. The Bill also increases the time limit to apply for a variation of assistance to 10 years. Importantly, the Bill retains the position that victims who were under the age of 18 years of age when the act of violence occurred, and where that act of violence consisted of or involved child abuse or family violence, may apply at any time. These measures will ensure that victims have enough time to feel comfortable enough to apply for the financial assistance they need.

The scheme will provide for meaningful acknowledgement of the harm and the ways in which the victim's experience has impacted their lives. To this end, and unlike any other jurisdiction around this country, the Bill will allow victims to request a victim recognition meeting. The scheme decision maker may hold victim recognition meetings if requested. This is to ensure that meetings are held in appropriate circumstances. The meeting, to be held after a decision on the application is made, will provide victims with an opportunity to have their experience acknowledged and for an appropriate representative to express their condolences on behalf of the State. The Bill also requires the scheme decision maker to ensure that a victim recognition meeting is held in a culturally safe manner which is tailored to, and prioritises, the victim's needs, safety and wellbeing. The victim will also have the opportunity to read aloud any statement or document which sets out the effects of the violence experienced by the victim and to discuss those effects with the scheme decision maker. Victims will also be entitled to receive a victim recognition statement on behalf of the State, acknowledging the effects of the act of violence and expressing the State's condolences.

Victims will continue to be entitled to be represented by a legal practitioner, including Victoria Legal Aid, when applying to the scheme for assistance. However, the scheme is also designed to reduce reliance on legal representation by making the process simple and easy to understand. Victims will continue to be able to apply to the scheme to have the grant of assistance varied following final determination.

Victims who have applied to the scheme for financial assistance may apply to the scheme decision maker for internal review of a final decision. Decisions which can be reviewed internally include the decision to refuse

an application for financial assistance, a decision of the amount of assistance payable and a refusal to vary assistance. An application for internal review must be made within 28 days of the original final decision, although the scheme decision maker retains the discretion to extend this deadline. The Bill also provides that those same types of decisions made by the scheme decision maker, or their delegate, can be reviewed externally by the Victorian Civil and Administrative Tribunal. Again, the Bill provides that an application for external review should be made within 28 days from the final decision reached by the scheme decision maker.

The scheme decision maker will be employed by the Secretary of the Department of Justice and Community Safety. The scheme decision maker will be supported by deputy decision makers and other staff.

The Bill provides the scheme decision maker with the functions required to administer the scheme and support victims in their recovery from acts of violence. Importantly, the Bill empowers the scheme decision maker to assist victims in their recovery from the effects of acts of violence by providing victims with information about the scheme and other support services and assistance available. This includes referring and connecting victims to other victim support services, including restorative justice initiatives, as victims may not be aware of the types of support services which are available to them. The scheme decision maker will have the power to request information from other bodies to assist in determining applications and must keep a victim's information confidential and only disclose it particular circumstances, which includes with the victim's consent and where required by another law.

The scheme decision maker, as statutory head of the scheme, may make, vary, revoke and externally publish guidelines about the performance of functions and the exercise of powers under the Bill. Guidelines are intended to provide support to the scheme making sound and reasoned decisions. Examples of the types of matters which could be outlined in publicly available guidelines include the documentary evidence requirements to support an application to the scheme, processes and procedures for the scheme decision maker to provide victim recognition meetings and statements, and considerations relevant to whether applications can be made and determined out of time. Published guidelines will provide flexibility to the scheme decision maker and their response to victims while ensuring transparency as to the decision-making process.

One consideration which the scheme decision maker must take into account when deciding whether to pay assistance or refuse an application is the character, behaviour and attitude of the applicant at any time, including their criminal history. It is not intended that an applicant's irrelevant criminal convictions will be taken into consideration as part of the decision-making process (such as taking into account an unrelated shop theft charge when considering an application related to a sexual offence), but instead ensures that the scheme decision maker has sufficient discretion to refuse to grant assistance to a person involved in the commission of the act of violence or where an application has been made improperly.

The Bill provides that an independent review of the Bill, the scheme and its operation must take place within two years after the commencement of the Bill. This reflects the VLRC's recommendation that a review into the operation and effectiveness of the Act and the scheme should take place. In fact, the Bill goes further than the VLRC recommendations, which proposed the review take place within five years after its commencement. Instead, the Bill ensures the review take place within two years after the commencement of the Bill and mandates that the review be an independent one. The report produced after that review must be tabled in Parliament within 10 sitting days after the report is received by the Minister. This measure promotes transparency while also ensuring that the scheme can respond to the evolving needs of victims.

Victims will be protected from further trauma by preventing their application for assistance from being used in other legal proceedings. The Bill better protects victims' information by preventing the subpoena of scheme materials and controlling the sharing of information held by the scheme decision maker. The Bill prevents scheme documents from being admissible as evidence in legal proceedings unless in limited circumstances (such as with the victim's consent), and provides that victims cannot be cross-examined in any legal proceeding on any scheme documents.

These protections are important steps towards reducing the risk that a victim will be subjected to the confronting and potentially traumatising experience of being cross-examined and the fear that their confidential information provided in support of an application will be used elsewhere. We know this is especially important to sexual assault victims, many of whom may have opted not to apply for assistance for fear of having their personal information used against them in criminal proceedings. To ensure that this approach is working as intended and not adversely impacting legal proceedings and the administration of justice, this will be considered and reviewed as part of two year independent review of the Act.

The prohibition of the publication of any scheme documents or details of the outcome of an application for assistance likely to identify a person who has made, or is otherwise connected with an application, will protect the privacy of victims and other involved parties. Examples of scheme documents which are prohibited from being published include written notice of a decision made on an application, a victim recognition statement and any written material provided at a victim recognition meeting. However, the prohibition on publication

does not restrict a victim from self-identifying publicly where the information published is not a scheme document or does not relate to an outcome of an application for assistance that would identify any other party, including the alleged offender or other victims. This measure balances the rights to privacy of all parties while ensuring that victims are not unduly restricted from publicly discussing their own experiences, should they wish to do so.

The Bill also amends the functions of the Victims of Crime Commissioner under the Victims of Crime Commissioner Act 2015 to confirm that the Commissioner can receive and deal with complaints referred by the scheme decision maker under the Bill and to perform any other functions conferred by the Bill and also amends reporting requirements under that Act.

In alignment with the VLRC's recommendation that VOCAT continue to consider and determine applications for assistance under the VOCA Act, upon the commencement of the scheme, new applications for financial assistance will be made to the scheme, rather than VOCAT. VOCAT will continue to operate until all pending matters are finalised. Victims who received an award from VOCAT will retain the ability to apply to vary this award, which is to be considered by the scheme and victims who withdrew their applications from VOCAT or where their applications previously lapsed will be eligible to apply to the scheme for assistance within the specified time limits.

The Bill allows for the expansion of the scheme in the future by providing that regulations can prescribe categories of victims as exempt from having to report the act of violence to police. Categories of victims that are exempt from the requirement, (such as survivors of sexual offences or victim survivors of family violence), must otherwise provide evidence to the scheme of the injury suffered. The scheme will also ensure it remains flexible to changing needs by allowing further offences to be prescribed in regulations, increasing the maximum amounts of assistance (including special financial assistance) or extending the time allowed for a victim to make a variation application.

This Bill represents the most significant reform to the State's response to victims of crime since the commencement of the VOCA Act in 1997, over twenty years ago now. The scheme established by this Bill is an essential step towards providing victims of crime with the support they deserve.

I commend the Bill to the House.

**Mr WAKELING** (Ferntree Gully) (10:08): I move:

That the debate be adjourned.

**Motion agreed to and debate adjourned.**

**Ordered that debate be adjourned for two weeks. Debate adjourned until Thursday, 21 April.**

## **PUFFING BILLY RAILWAY BILL 2022**

### *Council's amendments*

#### **Message from Council relating to following amendments considered:**

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

#### **NEW CLAUSE**

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.”.

**Mr PAKULA** (Keysborough—Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events, Minister for Racing) (10:08): I move:

That the amendments be agreed to.

In doing so I want to particularly reference the member for Eildon and thank her for the constructive manner in which she engaged with the government on the question of these amendments.

**Motion agreed to.**

**The DEPUTY SPEAKER:** A message will now be sent to the Legislative Council informing them of the house’s decision.

## TRANSPORT LEGISLATION AMENDMENT (PORT REFORMS AND OTHER MATTERS) BILL 2022

*Second reading*

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

That this bill be now read a second time.

**Ms BRITNELL** (South-West Coast) (10:10): I rise to lead the opposition’s contribution to debate on the Transport Legislation Amendment (Port Reforms and Other Matters) Bill 2022. This bill provides for the continuation of Ports Victoria, a sector transport agency and transport corporation, under the Transport Integration Act 2010. It revises Ports Victoria’s objects and functions and makes a number of other port-related and miscellaneous amendments to the act. It also makes amendments to the Marine Safety Act 2010. The bill also amends the Rail Management Act 1996, the Tourist and Heritage Railways Act 2010 and other acts.

This is a largely administrative bill, the main provisions of which are to amend the Transport Integration Act 2010 to provide for the establishment of Ports Victoria and therefore abolish the Victorian Ports Corporation (Melbourne) and the Victorian Regional Channels Authority—a merge of the two that becomes Ports Victoria; to confer functions and powers and impose duties on Ports Victoria under transport legislation that were previous functions for and powers and duties of the Victorian Ports Corporation (Melbourne) and the Victorian Regional Channels Authority; and to make further provisions in relation to transport restructuring. It also amends the Port Management Act 1995 to make amendments that relate or are consequential to the establishment of Ports Victoria, including the conferral on Ports Victoria of functions and powers under that act that were previously functions and powers of the Victorian Ports Corporation (Melbourne) and the Victorian Regional Channels Authority.

It also provides for the licensing of the provision of towage services and pilotage services and makes further provisions in relation to the powers of the port manager. The amendment to the act makes changes to the Marine Safety Act 2010, and these amendments relate to the harbourmasters that are consequential to the establishment of Ports Victoria and its new functions and powers. It makes amendments relating to the pilotage service providers that are consequential to the licensing of the provision of pilotage services under the Port Management Act 1995 and amends the Rail Management Act 1996 to make miscellaneous amendments to improve the operation of that act. It also amends the Tourist and Heritage Railways Act 2010 to enable fees to be prescribed for the processing of applications by the tourist and heritage railway operators to be included in the tourist and heritage railway group register. It also makes amendments to other acts that relate to or are consequential to the establishment of Ports Victoria.

Now, before I get into the specifics of the bill, I need to highlight the conduct of the minister's office during the bill briefing process. It is usual practice that you have a bill briefing in a time that is considered reasonable. Unfortunately I was only given one day, and one time was offered, for the briefing, with no apparent willingness to negotiate. So I ended up actually only having this briefing on Friday last week, which was the only day it could be done because apparently the minister has such a busy schedule. This is not our problem, but it is very disappointing that accepted practice was not given due respect and due consideration.

Prior to the briefing my office flagged several questions that we were expecting detailed answers on and gave that respective time to have that information received so it could be investigated and we could get decent answers that would help us understand the intent behind the different clauses. The minister's adviser admitted to me on the call that it was their call on who was briefing us, but there was not really a department official that was able to give us any detailed answers on the questions we had. At best this is extremely poor management from the minister, at worst this is a deliberate attempt to limit scrutiny, which I would have to say is a hallmark of the Andrews Labor government. We see this on so many occasions, whether it be a bill that gets brought into the Parliament and the usual respected time lines are not respected, or the consultation that you should do with the people who will be affected by the changes in the bill cannot be done in a way that gives busy people running businesses affected by changes—such as, in this bill, the port operators, stevedores, towage services and pilots—the ability to actually scrutinise the changes that affect them and give feedback so that we can do our role as an opposition and put forward why sometimes these changes might result in unintended consequences. Because that is what we are here to do: to actually improve our state through the legislative changes that are made here in this chamber.

During the briefing the Department of Transport cited a short turnaround. Let me explain that. Ports Victoria was announced in February 2021. It started in the form of Ports Victoria—the two bodies merged to make the more efficient, hopefully, and less clunky organisation; that was the driver to be one in July last year, so four months after the announcement of the change. The government did not introduce the legislation then; we are talking about it today, in April 2022. It says that four months was too short to draft the bill, but I question that. Given most of this bill is name changes in acts where 'Ports Victoria' has to be inserted into acts where that name change will affect them, there is really not a lot of rationale for using the clunky transport restructuring order which was the tool used to start the organisation last July and have the legislation come through today or to have a very short turnaround for discussion on the bill with the constituents that I needed to talk to. But, again, this is a theme of this government when it comes to legislation. Instead of putting proper processes in place to ensure it gets things right, it rushes things through in a poorly constructed way, and what we often see are the consequences of that being inconsistencies and not really rationales that people can get their head around. Mistakes get made or unintended consequences result from that, and that is not what we want to see.

Anyway, this bill makes changes to the Transport Integration Act 2010 and provides for Ports Victoria's main objectives and functions. For the new organisation it outlines the objectives and functions—that is, promoting and facilitating trade through the commercial trading ports and local

ports. We are talking Portland, we are talking Geelong, we are talking Melbourne, we are talking Hastings. It is also to promote the sustainable growth of trade carried out through the Victorian port system. We know there is no evidence that the Andrews Labor government has any desire to achieve these directives, so you have to wonder why they are in the legislation. The port of Melbourne is now one of the most expensive ports to do business with in the world, which has led to it being actively bypassed. It has a voluntary pricing model for landside infrastructure access that is failing, leading to the cost of doing business and the cost therefore to consumers for goods increasing.

In the time post pandemic where the cost of living is a huge impost on the community you would think that the government would use this opportunity to have an integration—which is the word, transport integration—plan that would make sure we have got synergies. We have changed so much in the last 30 years in how we do business and how we see goods transported around the state. An opportunity to have an integrated transport plan—which the government is under obligation to have but has not produced; the Auditor-General has been extremely critical of this—has been missed when the cost of goods is increasing so much because of the costs at the port. Most of the products that we use in our everyday lives are imported—our whitegoods, our medications, many things—but also many of our goods are exported. Given the opportunity that existed, I am very disappointed that those objectives of promoting and facilitating trade and promoting sustainable growth of trade have been missed in this bill.

But the title of this bill is port reform. The most obvious and glaring reform required is to address the Essential Services Commission report. This report was handed down very recently, and it is the first inquiry into the port and its compliance since the port was leased out in 2016 until 2021. The findings of this report were so scathing, and yet there is nothing in this bill to address the recommendations of the Essential Services Commission. Now, that report has been stated as one of the most damning reports to have come out of the Essential Services Commission, so why the government are silent and why they have not implemented any of the recommendations or made comment that they will be implementing these recommendations is very disappointing for the community of Victoria, whose cost of living is rising and the government are missing opportunities to address it.

The ESC report found that the port of Melbourne overstated its operational revenue requirements by between \$300 million and \$650 million. This means Victorian consumers will be impacted by higher prices for goods in the future. It found that the port's approach to managing its operating expenses is not consistent with that of a prudent or efficient service provider. Tariffs, cost allocation and content of its tariff compliance statements were found to be non-compliant by the Essential Services Commission—non-compliant. According to the ESC the cumulative nature of the port of Melbourne's non-compliance is significant and is not in the long-term interests of Victorian consumers. So in the Essential Services Commission's view the non-compliance is (1) significant because it does not meet the objectives of the Port Management Act 1995 in Victoria and (2) sustained because the impact on these objectives is not fleeting or transitory. The ESC also found the current regulatory framework does not have adequate incentives for compliance, which allows for significant and sustained non-compliance with the pricing order.

This is all pretty damning stuff. The Assistant Treasurer had this ESC report at the end of last year—four months ago—and there has not been a single word or response. This is shameful. It is shameful, and it shows an arrogance from a government who is responsible for governing. I think sometimes we forget that, or it appears to me where I sit in opposition that governing is not what is the intent. It is about trying to look good rather than actually putting things in place that will address these issues. Cost of living is a huge impost on our community at the moment. People are really struggling when they go to the petrol browser. Yes, that has come down in the last couple of weeks, but when you go to the supermarket it is not just a little bit; it is hugely noticeable. We need our port, the gateway to our state, to be as efficient as possible. Having a report like this, where the government has been told that the lease agreement has some issues with it because the levers that the government has available to it are not being used, and with these outcomes that the Essential Services Commission has highlighted,

is quite concerning. It is concerning for mums when they go to the supermarket. It is concerning for dads when they are trying to manage the cost of living. Families are just struggling at the moment.

Whilst on the port of Melbourne, I am just recalling that when the lease was passed through this Parliament we pushed, as Liberal-Nationals, very hard and were able to put into the bill the need for the government to return at least 10 per cent of the proceeds to infrastructure projects in regional and rural Victoria. It is worth stating that that has been not really properly delivered on. I do not think you could ask any Victorian where they can see evidence of that 10 per cent. Have they seen it invested in their roads that are now great quality to take our transports to market on so that our families are not competing for safe space on the roads? I was absolutely shocked when the member for Eltham quoted her mother, who took a journey from Gippsland to Healesville and said that we on this side are bellyaching about the state of our roads. I absolutely cannot believe that there are members of the government who are saying that we are exaggerating in any way, shape or form that our roads are really bad. If you do not believe us, look at the Auditor-General's report of 2017 and then two years later his review that said nothing had been done, because the way the roads are being managed is very poor—and this is his word, 'poor'. Please, I urge you: get out into the regions and start governing from border to border. Come to Portland, come to Nelson, come to Warrnambool, go to Heywood and have a look at the state of roads. That 10 per cent from the proceeds going into infrastructure—the roads are poor.

In Warrnambool you look at the rail service and we have not even had a locomotive ordered, which was promised four years ago by the government. And then we will go to the Murray Basin rail project—\$400 million spent from the sale of Rural Finance and wasted because the rail system cannot go faster than before they started the project. In fact journeys take longer. How can that be a well-managed project or a good result for Victorians? The government has short-changed us in the country as usual. That was back in 2016, but what have we seen since? They are hardly investing in critical infrastructure.

Moving on, there is a lack of clarity in relation to the proposed conditions that could be placed on licences for harbourmasters, and that is clause 60. New section 91AA(1) in the bill enables Ports Victoria to at any time request the director of transport safety to impose a condition on the licences of the harbourmasters engaged for the port waters for which Ports Victoria, the new organisation, is now responsible. That relates to one or more of a number of specified matters, which are marine safety incidents within the meaning of the Marine Safety Act 2010, operational safety performance, participation in training and safety development programs, and any prescribed matter. Increased control of local ports was one of the hottest topics among stakeholders when we did do the consultation, and I would like to say thank you to all the stakeholders that we worked with to get their feedback. It was a very tight time line, as I said at the beginning of this debate, so it was a terrific effort to see our harbourmasters, our sea pilots, our towage operators and the stevedores all coming back and helping me with understanding the bill from their perspective.

We asked for specific examples on the conditions from the minister's office during the briefing, these conditions of marine incidents or operational safety performances, but the response I got was just a cut and paste from the explanatory memorandum for the bill and totally ignored the stakeholders' concerns and questions that they had put to me and that on their behalf I asked for clarity from the minister on. This is another example of a government that is not interested in transparency or accountability.

We go on to clause 86 of the bill, which inserts a paragraph (f) into section 11(1) of the Conservation, Forests and Lands Act 1987 to clarify that the minister administering the Fisheries Act 1995 may delegate various functions and powers to the Victorian Fisheries Authority, the VFA, or the chief executive officer of that authority. This is a curious inclusion. Section 11(1) delegates any of the minister's powers, functions or duties to several authorities, being a catchment management authority, Parks Victoria, the Victorian Plantations Corporation and VicForests, but it is unclear why the VFA is being specifically named, and the Department of Transport has been unable to give any answers



despite this specific question being raised with them at the start of the week. We let them know specifically that we would be seeking these answers. We asked what exactly was at risk of happening if the delegation to the VFA was not made clear. If the change is not made, what is at risk of occurring practically or on paper? We were given nothing. So you have got to ask yourself, if the government were trying to improve legislation and make sure this is a better organisation, a more efficient organisation which leads to the port being more efficient, why is it they could not even answer that question of what were the risks? What were they trying to achieve in that clause?

What it does not do is provide any rationale or clarity on why the name change is needed, aside from trying to reflect its current and likely future role. Now, that is around the port of Hastings. In the bill the port of Hastings is changing its name from the Port of Hastings Development Authority to the Port of Hastings Corporation. But why? What is the rationale? Clearly they are cementing the fact that the port of Hastings, under this government, will never be a container port. Really, you could not give me any other reason than the fact that a name change makes good sense. It has got to cost a few hundred K—surely just even changing the name would result in a letterhead change. How is that, in a time post COVID when we have got to find efficiencies, a good idea considering the significant costs involved?

The bill amends the Transport Integration Act, as I have said. What an opportunity was missed by this government. The government is under obligation to produce an integration plan but says that because it has got 40-odd plans that is the job done. I am afraid that is not the job done. When you look at the government's botched Murray Basin rail project and its entire freight transport strategy, it is an absolute mess. It should have been a game changer, a game-changing infrastructure project to allow producers to get their goods to market more efficiently and cost effectively. It would have been an enormous benefit, especially for many rural and regional Victorians in the west and north-east. But given the understanding on the other side of this chamber of the state of our roads and rail, given the quotes on Tuesday about the bellyaching we do when 'everything is actually fine' on our roads in the region, I am not surprised that the government lacks understanding of how beneficial the Murray Basin project would have been. But what do we have now? We have a project that is almost a decade behind schedule and so far over budget it is not funny—another hallmark of this government when it comes to infrastructure spending, or should I say, infrastructure blowouts. I think that is a \$24 million blowout to this day, but it is growing every day, and the time lines get longer and—

**Mr McCurdy** interjected.

**Ms BRITNELL:** Billion. Did I say million? Thank you, member for Ovens Valley, for correcting me. You are right. It is probably worth restating: there is \$24 billion in blowouts from this government to date and growing. Rather than ensuring the project is delivered in full, what does the government do with the Murray Basin rail project? It rescopes it, because it knows it is not up to the task of getting the project completed. The Andrews Labor government refused to match the commonwealth government's \$5 million for planning work to get the project back on track. Instead of delivering the project in full, the Andrews Labor government refused to standardise the Sea Lake and Manangatang lines, which robbed the north-west Victorian producers and transport stakeholders of the benefits that would come with better access to domestic and international markets.

It also robbed the port of Portland of the opportunity to be a competitive port. Probably six or seven years ago we were talking about \$5 a tonne in difference for grain to go through the port of Portland—it was more expensive—than the ports of Geelong and Melbourne. The government's own report of 2016 cited how important it was to have competitiveness between ports so that we could make getting product to market internationally competitive rather than it costing us domestically before it leaves the country and hamstringing producers and not being able to be internationally competitive—again a hallmark of a government that just does not care about regional and rural Victoria.

The commonwealth contributed an additional \$200 million for the Murray Basin rail project 12 months ago to help fix the Andrews Labor government's botched job. We are left in a situation where producers have no option but to freight their goods by road, and anyone who has travelled on

regional and rural roads in this state will know how inefficient and detrimental that is. Well, not anyone, because if you listen again to the words of the member for Eltham, in her words she thinks we are 'carrying on far too much'. I will again implore the members of the Labor Party on the other side of this chamber to go for a drive; go for a drive to Nelson, go for a drive to Portland. It is Easter next week. Get out into the regions, go up to the borders, from east to west to north, and see how bad our roads are if you think that a drive from Gippsland to Healesville tells you all you need to know and that the roads are fine. Tell that to the many families who are struggling because of the damage done to their cars by our roads.

To finish I return to the integrated transport plan. The Transport Integration Act 2010 requires the Department of Transport to prepare and periodically revise transport plans for Victoria. The act seeks integration planning and management of many transport modes, networks and services that make up the state's transport system—so that is our buses, that is our trains, that is our roads. The Victorian Auditor-General (VAGO) in 2021 concluded the department—

... and its predecessors have not, over the past decade, demonstrably integrated transport planning and are yet to meet the Act's requirements for the transport plan.

That is what we see from this government all the time. They do not care about what they are supposed to do. They think, 'We'll just get away with it'. Look what happened when we saw the VAGO report just yesterday about the overspend—the wrong spend, the spending of taxpayers money—on the Big Build advertising, which was clearly self-promotion rather than reasonably non-political. So the government does not care. They have not got a fine, they are not going to pay it back. They just want to self-promote and keep telling people how good they are doing.

Yet to have an integrated transport plan—when they are doing the biggest builds we have seen in a long time. We do not even know whether the tunnels are going to flow onto the freeways and result in more efficient transport, because there is not any evidence of that, because the planning has not been done. The Department of Transport's assertion that its 40 separate plans and strategies presently meet the act's integrated transport plan requirements does not withstand scrutiny. I mean, what an opportunity, with the technologies we have today, the just-on-time systems that buses could use. We could have people actually getting from appointments to home. But no, we are still using very old-fashioned ways of doing business because there is no integration planning. The absence of a transport plan, required by the act during the decade of unprecedented investment in transport infrastructure, just creates missed opportunities to sequence and optimise the benefits of these investments and best meet Victorians' transport needs. Again, this is so damning at a time when the cost of living is blowing out—and the cost of consumers getting their goods. If we could actually make sure goods got to market or goods got to the port efficiently, we would really help our recovery economically.

When you have got transport operators, for example, having to apply for permits, there is another example of the inefficiency. So if you are an operator of an A-double, which is a new larger transport truck, and you buy a new truck and that has got a 4-millimetre difference in length or width, you have to submit another permit to the government. And the government then says, 'Well, it might cost me up to \$50 000 to do a bridge assessment'. So these transport companies are paying up to \$50 000 to get a bridge assessment done to get the truck that they have purchased, which is only literally 4 millimetres different to the last one that they got the same permit for. What is the government doing with that \$50 000? You would expect it would go to bridge upgrades, but it is not. The same bridges are the choke points on the system. Instead of having high-performance vehicle routes permitted so that the goods can get to market efficiently, what we have got is a government that does not care.

When we were in government and we had our country roads and bridges program, that helped with these sorts of challenges. But the government is not interested in an integration plan. It is not interested in efficiency. It is aware that the cost of living is rising and has no interest. It would rather self-promote than actually govern for the state of Victoria and considerably care for the opportunities that it has to make sure the cost of living comes down and we as a state are competitive and as a state are able to export our goods competitively and internationally compete so that we stay a viable and export-led state.

But I am afraid I am not seeing that from this government, and the changes we have got here on the transport reform bill for the port have let a massive opportunity go without any attention. So what a shame that the Minister for Ports and Freight has missed this opportunity and that we have got the port of Melbourne now being bypassed and inefficient when the whole aim was to make sure the port was competitive. Well, you missed that opportunity, and it is time to fix it, just like the Essential Services Commission has reported.

**Mr PAKULA** (Keysborough—Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events, Minister for Racing) (10:40): I move:

That the debate be now adjourned.

**Motion agreed to and debate adjourned.**

**Ordered that debate be adjourned until later this day.**

### Condolences

#### SHANE WARNE

**Mr ANDREWS** (Mulgrave—Premier) (10:40): I move, by leave:

That this house expresses its sincere sorrow at the death of Shane Warne and places on record its acknowledgement of his lasting contribution to the game of cricket and to the people of Victoria.

When Shane Warne bowled, the world stopped to watch. Part sportsman, part showman, Shane Warne did things with a cricket ball like no other. He was born for the big stage. Warne was cricket's first blockbuster star. He was our Michael Jordan in many ways. His fame transcended cricket, and the respect for his talent transcended rivalries. The outpourings from those he played against in the wake of his passing I am sure have been a comfort to his family, particularly to his kids. He was held in such high regard by those who played with him and equally those who had to face him and his incredible skill. That respect has been very obvious and, as I said, I am sure a comfort to those closest to him. What set him apart was not just his talent, though, it was his ability to unnerve, to unsettle, to torment even. He was exceptional when it came to mental supremacy. On the field it was his gift in many ways, and he would deploy it with amazing outcomes. He did not just play the game of cricket, he redefined it, and in a team filled with superstars Warne shone brightest.

But behind his phenomenal legacy is a generation of young cricketers, pleasingly boys and girls, young men and women. It is a credit to cricket that they have embraced that sense of equality so, so well, and we are pleased as a government to partner with them. But there is a generation, many generations in fact now, of young cricketers who fell in love with the game because of Shane Warne and tried to do one of the hardest things in cricket, and that is to bowl leg spin.

There will never be another Shane Warne, but there was more to Warnie than cricket. It is important that we acknowledge that he was a particularly generous man. We have heard a lot from fans, a lot from those who were touched by him, but his philanthropic work, the quiet generosity that defined him, was absolutely exceptional. In speaking with his family in recent weeks and in speaking to many people from many different walks of life, everyone has a story about him touching their life and, during the encounter between them and him, him making them the centre of the universe, him making them special. That generosity, together with financial support and his brand, if you like, was lent as support to so many worthy causes. He was a fundamentally generous person, and it is appropriate that we acknowledge that.

More than a cricketer, more than a celebrated or indeed an unsung philanthropist in some ways, but a generous person, he was a father to Jackson, to Summer and to Brooke and a distinguished commentator whose knowledge of the game, whose cricket IQ, was second to none. He was a fantastic commentator and hailed as such. He was so much more than just a player, and we acknowledge that in that sense of loss and grief that we all feel since his passing.

Whether it was on the front page of the paper or indeed the back, the world was always captivated by Shane Warne. He was larger than life, a massive figure in the game, in our state, in our nation. Everyone felt they knew him. Everyone feels they have a story and a sense of him, and that I think speaks not only to all that he achieved and that larger-than-life persona but to his authenticity, which was well understood by everybody. He was very real, often to his own cost, but he was very much an authentic person, and that is so, so important and recognised by so many.

A larrikin, a cricketer, a father, a great Australian and an even greater Victorian, there will never again be another Shane Warne. In his legacy there will be millions of young Victorians who will continue to try to be the next Shane Warne. To those who loved him the most, to those who revered his skill, to those who miss him, I simply say: vale, Shane Warne.

**Mr GUY** (Bulleen—Leader of the Opposition) (10:45): Right-arm leg spinner, arguably one of the greatest bowlers in cricket history, the king of spin, Melbourne's own Shane Warne—it is not often this Parliament condoles like this for people who have not served in this place, but on this occasion it is well deserved. Feted by Ian Botham, Boris Johnson and Viv Richards, Warnie will always be the king of spin. But for Shane Warne there were always two characters: the one we the public all think we know and love and of course a private one for a family who grieve and remain heartbroken at the loss of a man of just 52 years of age.

The public Shane Warne was a superstar, the kind of bowler that every backyard cricket player—or in my case cul-de-sac cricket player with my brother; and I guess many in this chamber were too—always wished they could be. The ability to spin that ball to clean-bowl bemused batsmen was something that, when Shane burst onto the international cricket scene, was just jaw dropping, and so were the stats that followed: 7/52 against the West Indies at the MCG in 1992, 6/31 against New Zealand at Bellerive in 1993, 8/71 against England at the Gabba in 1994, 7/23 against Pakistan in Brisbane and 7/33 against the West Indies at the SCG in 1996.

No-one will ever forget the Gatting ball, the famed ball of the century, Shane Warne's first ball in test cricket history in England, and most significantly the look on Mike Gatting's face after it. For those who know that magnificent replay clip, and I know the Minister for Sport does, you might remember the stunned commentary of Richie Benaud as well. It was the most unbelievable way to introduce himself to the English cricket scene and to English cricket on English soil, and there is no doubt that this introduction set the scene to the amazing career that would follow.

There are just too many amazing statistics to read out about Shane Warne's cricket career. It can only be concluded with the point that in our lifetimes we are unlikely to see a spinner of that potency and accuracy ever again. He was a joy to watch play. He was never boring—in his early career, on his path to hundreds of test wickets, during his vice-captaincy, even during his ban from cricket, his return, his international retirement, then his return to Twenty20 and, after all that, commentary.

When he passed away so unexpectedly the cricket world mourned more than any other community. They were obviously so devastated. I do send my heartfelt sympathy to all of those involved in Australian cricket for their obvious and deep loss and the extent to which they felt this legend of their game would be around for so much longer. Having his life cut short, for them, is also heartbreaking. Internationally as well, Sir Ian Botham said he had lost a great friend on and off the cricket field. His ashes rival Kevin Pietersen posted an emotional tribute online, ending with #RIPKing. Cricket nemesis and Indian icon Sachin Tendulkar said he was shocked, stunned and miserable. But I have to say I was heartened to see such a heartfelt tribute to Shane Warne posted by none other than the Barmy Army, the English cricket team's famed vocal and very rowdy travelling supporters group, which famously taunted Shane Warne for many years from the grandstands:

Simply can't believe we are writing this.

RIP Shane Warne, one of the game's best characters ... finest bowlers.

Forever etched in Ashes history

Certainly he will be. Like many in public life, but like few to his extent, Shane Warne drew a lot of attention. Many of us who adored his cricket often wondered if it was too much—after all, he was just a person underneath all that publicity. He made mistakes. He knew things would not always go right, but he seemed to get back up, dust himself off and keep going all over again, which is why I believe many Australians thought so highly of him. That image of an average Australian, that kind of larrikin spirit that Australians love and take to so much, it was not confected—it was clearly real.

But he was not just a cricketer. He advertised gin, undies, beer and even, yes, Messages on Hold text messaging services. He loved the irony of that self-deprecation. However, when the 2004 Asian tsunami hit, he was quick to fundraise tens of thousands of dollars and to help. He was there to help many families who lost everything after Black Saturday. During the COVID pandemic his gin distiller turned into a hand sanitiser producer. And one of the things I liked so much about Shane Warne as a character was his appearances on *Kath & Kim*. His humour was lighthearted; his great manner was always on display. When his past fans bought beer, baked beans, meat pies and cigarettes to adorn his statue, not just flowers, the Melbourne Cricket Club made a fitting gesture and renamed the Great Southern Stand the Shane Warne Stand—all this for a boy from Black Rock.

We can always see celebrities through the prism I have talked about above. As wonderful and endearing as that is, it is never more important than at the time of someone's passing to remember who they were most importantly. Shane Warne was a son, a brother and clearly a very loving father. What we will not forget from his wonderful remembrance service at the MCG were the reflections of his children and that of his father, Keith. Those personal reflections are the most meaningful of all. Shane's father told the story of the kid from Black Rock who loved his footy, took on athletics, basketball, tennis and then cricket. He conquered the world but never forgot his family. He was foremost a loving and caring son and brother, a generous man who always stood for photos with fans, who gave his time to so many. As his father, Keith, said, prince or pauper, Shane would give the same undivided attention and respect to whomever he encountered. He worked hard and quietly away from media attention to put smiles on faces, once visiting a young boy with cancer whose father had asked if his unwell son could meet Shane. No fanfare, no accolades, Shane Warne took no convincing; of course he would drop by—drop by for 2 hours.

'Generous and loyal', said his dad, Keith. 'Loving and devoted', said his children, Brooke, Jackson and Summer. 'Thank you for the memories', say his millions of fans. Rest in peace to a Melbourne legend, an Australian icon taken far too soon, Shane Warne.

**Mr PAKULA** (Keysborough—Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events, Minister for Racing) (10:51): After Shane Warne's passing I recalled that very early on in my parliamentary career I had done a members statement regarding him. I checked back through *Hansard* and I realised it was the very first members statement I ever gave, in the other place on 21 December 2006. The reason for it was that the previous day Shane Warne had announced that he would be retiring after that summer's Sydney test. Five days later, on Boxing Day, at the MCG, he took his 700th wicket and a few days later, after the Sydney test, he retired from test cricket for good.

Fast-forward 15 years and, as members are aware, I was in Birmingham a few weeks ago for the Commonwealth Games presentation. On the morning of that I got up early and thought as a cricket fan I would go for a walk to Edgbaston. I had never been there, and I thought I would like to see Edgbaston. So I walked there and it was a bit of a construction zone. A security guard stopped me and said, 'Can I help you, sir?'. I said, 'I am just an Australian cricket fan wanting to have a look at Edgbaston', and he said, 'My condolences on the loss of Shane Warne'.

Two weeks later, 50 000 people gathered at the MCG for his tribute, and it leads me to ask why. What is it about this cricketer, this man, that caused a new member of Parliament to devote his first members statement to him or to elicit a comment from a security guard 15 years and 10 000 miles away? What was it about him that made grown men cry, that caused people from all over Melbourne and Victoria

to leave flowers and tinnies at the base of his statue outside the MCG, for him to cover front pages across the world and for tens of millions of people to tune in to his memorial service, because he is not the only cricketing legend that has passed away in recent times—Richie Benaud, Dean Jones and indeed Rod Marsh, my childhood hero, on the very same day? He was not the only sportsman with a high-profile social life, and he was not the only sportsperson that has done good deeds outside of cricket. I think the answer is quite simply that he was one of those people that absolutely belongs in the sporting firmament, with Nicklaus and Woods, with Federer and Williams, with Jordan and Ali. He is the only bowler in the five Wisden Cricketers of the Century. He was an absolute phenomenon.

It is not impossible to describe what Shane Warne could do with a cricket ball. Many cricket writers have done so very eloquently, but I do not think any of those descriptions ever do proper justice to his brilliance. The fact that we can simply reference individual deliveries—the Strauss ball, the Chanderpaul ball, the Gatting ball—and every cricket fan around the world knows exactly what you are talking about says everything. The fact that when you say ‘I could not leave my chair when he was bowling’ and most Australians of my generation say they felt exactly the same way says everything about him.

I have seen it said in regard to both test cricket and leg spin bowling that there were two eras: ‘before Warne’ and ‘after Warne’. But I do not actually think that is right because there was no-one quite like him before him but there has never been anyone quite like him since him either. There was just a golden era that we were lucky enough to witness called ‘during Warne’. There is no real ‘after Warne’ or ‘before Warne’. There was just what we were lucky enough to see while he played the game. I do not condole him based on my really fleeting interactions with him in a personal sense, whether they were at a racetrack or a function. I condole him and pay tribute to him through the eyes of a fan and on behalf of all the fans who were lucky enough to be transfixed and mesmerised and joyous as he spun Australia to victory after victory after victory for so many years.

Now the Shane Warne Stand at the MCG will stand there as a permanent tribute to him, not just to the amazing feats where he bamboozled opposing batsmen—not those amazing feats there alone—but all of those feats, whether they were at Black Rock or East Sandringham or Hampshire or Rajasthan and back again, the things he did all around the world. I do want to just take this opportunity to thank both the Melbourne Cricket Club and the MCG Trust and his family for working with us to allow that to happen so quickly and so appropriately in time for his memorial service. Like the Premier and the Leader of the Opposition, I was very moved by the statements made by both his father, Keith, and his children, Jackson, Brooke and Summer. To all those who loved him, but in particular to his family—Brigitte and Keith, Jackson, Brooke, Summer, Jason—my condolences to you. Vale, Shane Keith Warne.

**Mr WALSH** (Murray Plains) (10:57): I join the condolence for Shane Warne today, and I want to spend my time talking about Shane Warne the person. I think his cricket prowess is very well documented, and everyone is going to speak about that, but it is Shane Warne the person that was so generous. Some of that is documented and a lot of it will never be known as to how generous he was with people, but his commitment to Challenge, which is an organisation that supports families living with cancer, and the things he did with Challenge are very well known. The CEO of that organisation, David Rogers, recently said:

Whenever I had a sick kid, I could ring him, and he’d go straight to FaceTime, or he’d be available to go see them. He was an amazing man.

I think that is the Shane that I want to get through today. At one stage he was meant to be playing a golf tournament in America for the 24 all-time greatest sportspeople in the world. Michael Jordan and Tom Brady were two of those that were going to be playing golf with him, and he actually donated the tickets to that to the Challenge charity to auction. The tickets made \$45 000. That is the sort of generosity he had. In 2003 Challenge invited him to go to America with 10 sick children for their trip of a lifetime. He went to Disneyland, and as I understand it was comfortable in his own skin enough that he could stand there in the queue at Disneyland with Mickey Mouse ears on. Not everybody probably would be comfortable with that, but Shane was very happy to do that. He let the kids put his

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hair, when he had hair, in a ponytail. He went out on the tarmac at NASA with them. He did everything with those kids for their trip of a lifetime. That was the sort of person Shane was.

After the 2004 Boxing Day tsunami he got onto his cricket friends in Sri Lanka and travelled over there to be with them for the recovery of that nation—a cricket-mad country. He went to villages, he gave out cricket balls, he gave out lollies, he gave bowling advice and he offered assistance with the clean-up. He did lots of things there in Sri Lanka. One of the little girls who was affected by the tsunami recalled:

I remember he gave me a ball, he gave us something to eat and then he asked me for a kiss on the cheek.

That humble man who spent time with us ... he gave us something we could treasure when we had nothing.

After Black Saturday Shane Warne went to Kinglake, where lots of people lost their lives, as we have spoken about in this house in the past. Aiden Buchanan was 13 years old at that time. He had lost everyone except his grandparents. Warnie went up to Aiden and said, ‘How are ya, mate?’, and after that there was a lifetime friendship, including coaching him at football and doing all those things. It was something that was very, very special to Aiden. They maintained a lifetime friendship until he died.

After the 2019 bushfires Warnie sold his baggy green for \$1 million, a great contribution. If you ever have the opportunity to have a baggy green, it is something that people hold forever. And then the baggy green went on a national tour to raise additional funds as well. Warnie posted on his social media after the action:

Thankyou so much to everyone that placed a bid & a huge Thankyou / congrats to the successful bidder—you have blown me away with your generosity and this was way beyond my expectations! The money will go direct to the Red Cross bushfire appeal. Thankyou, Thankyou, Thankyou ...

In September 2020 he posted an article on his website remembering the bushfires in Australia and he said:

I thought “what can I do to help?” and I thought one of the most cherished things I own would be my baggy green cap. I was so grateful for the opportunity to play cricket for Australia and it is such a meaningful item that not many people have the privilege to wear.

... We were all so blown away at how much this went for. To raise that much money to go towards our fellow Australians made us all pretty proud to be honest.

I suppose I will just finish with my own Warnie storey. When I was involved with SPC—quintessentially Australian—we employed Warnie to do a baked beans ad. The advertising agency took him to India, and we filmed that ad. Everyone that came back that went with Warnie said they had the trip of a lifetime riding a motorbike, having a microwave plugged in to about 10 double adapters off a faulty powerline to heat up baked beans and eat them in India. They said he was just fantastic company when they went overseas to make that ad. To his parents, Keith and Brigitte, to his son, Jackson, to Brooke, to Summer, to all his extended family and to all Australians who just loved Warnie, my condolences and rest in peace.

**Mr FOLEY** (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (11:02): I rise to join the condolence motion marking the sad passing of Shane Warne. The great West Indian cricket writer CLR James in his classic book *Beyond a Boundary* posed a question for cricket obsessives the world over: what do they know of cricket who only cricket know? Shane Warne knew cricket, and through cricket the world knew him and he knew the world. He carved out a unique place in Australian and world sport and indeed in the popular culture of our nation and state. At the same time he retained that duality of the knockabout Australian larrikin, a strong sense of irreverence that so characterises what we like to see as the best of our national character.

His record as the saviour of the almost lost art of leg spin bowling is widely known. Arguably the greatest bowler of all time and certainly the greatest spin bowler, he rewrote all the records. He received all the accolades and was successful in so many ways, beginning as that young sport

scholarship winner in our southern suburbs in the 1980s. I am sure he could never have imagined he would achieve such global recognition and the achievements that he went on to make.

His duality was as both the ordinary, knockabout, loyal bloke who was loyal to his mates and loved a beer, a pie, his baked beans, flash cars and loud music whilst all at the same time being possessed of skills to make a cricket ball do what no-one else ever could even dream of. In that regard he occupies a unique place in both our sporting and our popular culture. He was both a cricketing immortal who could turn a test in a single spell and at the same time the loyal local cricketer and footy fan who would support his mates and his club wherever and whenever he could. He had that sense of knowing who he was and where he came from and made efforts in developing both his own skills and with them those who he came in contact with, whether they were the next generation of cricketers or those who were down on their luck or facing catastrophe. He marked his contribution wherever he went in his global travels whilst at the same time never forgetting his humble beginnings at the St Kilda Cricket Club in the fourths and thirds as a batter who could bowl a bit.

With a sense of commitment to the St Kilda club I might briefly just read from a statement put out by the club's president, Paul Ryan, who joins us in the gallery today:

Shane Warne was the greatest cricketer St Kilda Cricket Club has produced since it was established in 1855 and without doubt one of the greatest cricketers to ever play the game. Shane was a premierships player for, life member of, our club.

Shane was, just as importantly, also a great and loyal friend to many at St Kilda Cricket Club and an ongoing supporter of our club.

Our club will always be proud of his on-field achievements but also of the contribution he made off the field to children and families in need.

However, we are very conscious that our loss needs to be kept in perspective with the devastation being felt by Shane's children and family at this difficult time.

Shane is and will continue to be greatly missed.

That same sense of being both an ordinary person and a global superstar is reflected in how his support at the local level for the St Kilda Cricket Club and Victorian cricket endured—whether it was for the men's team, the women's team, the all-abilities team—and his support for how community clubs are really there at the best of developing their young talent and sharing it with the world. He was also important in the development of the Victorian cricket centre at the Junction Oval, and it is fitting that his home club, St Kilda, continues to be part of that important cricket infrastructure in our community. Now it is the secure home of cricket in this state and shares with his famous club, the St Kilda Cricket Club, the home of developing those next generations of men's, women's, all-abilities and other outreach programs, particularly engaging with newly arrived communities and the absolutely cricket-mad South Asian communities.

Shane Warne took cricket, with all of its millions of fans and players, to new places that the game had not known. Not many cricketers, not many Victorians, can lay claim to being a globally dominant player of the craft, a philanthropist, a supporter of great causes, big and small, and the subject of their own musical, named after them—and endless small, individual kindnesses—all at the same time stretching the rules that he ran up against to their limits and occasionally broke. We thank him for all his efforts in this game, Australia's most famous and most popular community and summer sport, and our thoughts are with his family at this time, especially his parents, Brigitte and Keith; his former wife, Simone; and his children, Summer, Jackson and Brooke. Vale, Shane Warne. He was one who knew cricket and, through cricket, the world, and through cricket he appreciated the role that we can all play in building communities while supporting this, the most important summer sport, in our community.

**Ms McLEISH** (Eildon) (11:08): You did not have to love cricket to know who Shane Warne was. He was known worldwide for his wonderful talent on the field but also for the generosity of the person he was. At the time he was taken, way too young, he was mourning the loss of one of his idols, Rod



Marsh. At the time the world lost an icon whose commentary we were still enjoying, but for the children it was way too young for them to lose their father.

Shane Warne never moved far from bayside Melbourne. He had a very international, flamboyant lifestyle, but he always came back to his roots. Like many others growing up in Victoria, sport was a huge part of his life, whether that was backyard cricket, footy, basketball or athletics, and it reminds me and all of us how important community sport is at that level. Shane was pretty good at sport. He wanted to be a footballer. He did not quite get there, but when he was at Mentone Grammar the sportsmaster at the school took him down to St Kilda Cricket Club, where that sportsmaster played. Shane Warne walked into a club that had been known as the home of Bill Ponsford, an absolutely outstanding batsman whose name adorns one of the stands at the Melbourne Cricket Ground. It is quite interesting now that St Kilda have two cricketers whose names are at that marvellous ground. So the sportsmaster took Shane into St Kilda Cricket Club as an opening bat who could bowl a little bit, and he worked his way up through the fourths, thirds, seconds and firsts; he played at all levels. He understood base-grade cricket and that pathway through.

While he was there he went to the academy in South Australia and met Terry Jenner, and he forged a very strong and ongoing relationship with Terry Jenner as he learned the craft of leg spin. As Warnie did, those relationships he established lasted a lifetime, and he certainly had that with Terry Jenner. He continued to go back to him during his test career to sharpen his trade, to work out how to do something a little bit different a little bit better, which is pretty amazing, because we all thought that he was pretty remarkable from day one.

He was a premiership player at St Kilda, which is one of the oldest clubs in Victoria and remains on its original patch of dirt. Following his time at district he was picked up by the state, but he did not actually play a lot of games for Victoria because he had this rare skill of leg spin, and that was in short supply. Very quickly he was moved into the Australian team, and he went on to achieve wonderful things. But he never lost that connection with the St Kilda Cricket Club. Every time he came back from injury, whether it was a shoulder injury or a thumb injury, he came back through his community club, through that district club, and you can imagine what that did for the other players, for the kid in the fourths and for the others in the firsts, to be able to play with Shane Warne. What an opportunity for them.

One time they actually went out to Windy Hill to play—2000 people turned up to Windy Hill for a district cricket match. Every one of those 2000 people wanted an autograph, and every one of those 2000 people got an autograph. He was never too far from remembering his life as a kid, loving sport and lining up with an autograph book himself. He was a very avid autograph collector, and because of that he knew how important that was and what it meant for a kid to get an autograph.

During his time with the Bushrangers he claimed 171 wickets in 46 first-class matches, including eight 5-wicket hauls. Overall in his test career—which put him on the world stage, we know—he took 708 wickets; in first-class, 1319; and in the one-day internationals he had 293. These are extraordinary figures. Catches—not many people get over 100 catches, but Warnie got 125 in tests. He was a gun in the slips, whether that was first or second slip. And he was pretty handy as a batsman, because when he went to St Kilda he was there as an opening batter, and he did his bit. Certainly many times when Australia looked down, Warnie was able to come out and put on a few runs. He made 3154 test runs; in first class, which included his time in the UK, he made 6919, virtually 7000 runs; and in the one days, 1018. It is extraordinary for somebody who is seen as the world's best leg spinner, the king of spin, that he was still able to do so much on the field and with the bat. His best hauls: 8/71 in tests and first class; and in the one days, 5/33. And when the Indian Premier League was launched in 2008 nobody expected a semi-retired 37-year-old Shane Warne to lead the Rajasthan Royals, and he did it with gusto. He loved that time.

In February 2012 he became the 35th player inducted into the Australian Cricket Hall of Fame during one of the Allan Border functions. Named one of Wisden's five great cricketers of the 20th century—he was 42, I think, at that time—he had single-handedly put leg spin on the map of cricket, and kids

all around the world wanted to work out how he did that, practise that and learn about the flipper. Andrew Strauss was his 700th wicket at the MCG before Boxing Day crowd of 90 000, and he was bowling from his favoured end. That favoured end is the southern end, in front of the Great Southern Stand, which has now been renamed the Shane Warne Stand, and that is entirely fitting for what he would have liked. He retired from the international arena in 2007 after the Sydney test, with that record of 708 test wickets. We all remember the ball of the century, which dismissed Gattling—Gattling’s bemused, bewildered look at how he managed to go out. Warnie did that many times, but that ball was the one that changed his life. We all know that Warnie had a wonderful cricket brain, and we did not get to see him as captain of Australia, which might have been not a bad thing, but we certainly got to enjoy that when he was commentating—that cricket brain and his strategy.

He lived a great life. He was loved by so many. He was loved for his sport. He was loved for being a regular person, for his larrikinism. He was loved, as we have heard from other speakers, for his incredible generosity. He loved sport, loved life, and we cannot forget the strong family values and the love for his children that he had. Not only has he brought my family and me and so many in the cricketing world enormous joy, but for his children he brought so much more to them. We heard that in their comments at the memorial service at the MCG just recently about what a fabulous parent he was and what he really meant to them. So our thoughts are with his family—his parents, his brother and his children. Shane Warne will live for a very long time through the record book, through the stories that will be passed down and through the naming now of the Shane Warne Stand at the Melbourne Cricket Ground. Rest in peace.

**Mr HIBBINS** (Pahran) (11:16): I rise to speak on the condolence motion for Shane Warne. Shane Warne was a cricketing legend, and he was a Victorian. I thought, with this speech, what better place to start than a time before Warnie. He was a legend, so what was before Warnie? What was before all the kids bowling leg spin in the schoolyard? Well, before Warnie there was Deano. Dean Jones was the cricketer who everyone in the schoolyard wanted to be. His life also ended far too early almost two years ago. What so often happens when one legend’s career comes to an end far too early is it crosses over with the start of another. I thought it was fitting that Shane Warne’s first wicket in test cricket was Ravi Shastri caught Jones bowled Warnie—a passing of the guard, if you will—albeit it was for 206 and Shane Warne’s figures were 1/150, but even Bradman had a tough first test.

In those very early days Shane Warne was plucked from relative obscurity. His selection for the Australian team took a lot of vision from the selectors, who are not renowned for always getting it right. When he was first picked for an Australian development team for an overseas tour it was against the wishes of the Victorian coach at the time, with Warnie probably third pegging for selection as Victoria’s spinner, and they felt like the national selectors were trying to dictate who should play in the Victorian team. But the selectors certainly got it right with Shane Warne.

I do not think the Australian public quite knew what to make of this blond-haired leg spinner in the beginning. I remember being at the MCG for the now-famous Boxing Day test against the West Indies in 1992. There certainly was a bit of uncertainty about him being back in the team. But he arrived in that test match, picking up seven wickets on the final day, and from then on he was always the crowd favourite and much loved by bay 13, where the Shane Warne Stand sign now sits above them—and how fitting is that. That was just one of many incredible match-winning performances over his career when the odds were stacked against Australia. My favourite to this day is the 1996 World Cup semifinal played in India. I think I woke up in the middle of the night, wandered downstairs a bit bleary eyed, and turned on the telly. The Windies were cruising to an easy win, and enter Shane Warne, assisted by his fellow Victorian Damien Fleming, to run through the Windies for an incredible win. I remember sitting on the couch absolutely stunned from what I had just seen. It is not an overstatement to say that Shane Warne changed the game of cricket. Selector John Benaud said in his book:

Warne was a major player in a revival of legspin worldwide, a kiss of ... death by slow over rates and pace. The new wave of legspin didn’t just influence Test match results—it performed a facelift on limited-overs cricket.

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Watching Shane Warne bowl was something you could do all day. It was just thrilling when he would build pressure and run through teams. My grandfather, when we talked about cricket, always spoke about Bradman and being able to watch Bradman, and I suspect I will be doing the same with my children and grandchildren when they ask me about having the privilege of having watched Shane Warne play. In addition to being one of those people who is just naturally good at every sport they play, he was one of the best cricketing brains out there. He had to be to take so many wickets. So many of his wickets were out-thinking and outsmarting batsmen, setting them up in the overs and balls before, especially in his later years, when he could not necessarily rely on that big leg spinner or flipper as often. We saw that with his incredible 40 wickets in the 2005 Ashes tour just before his retirement, and we saw it in his really innovative and aggressive captaincy when he was given the chance. There is no doubt that we really missed out on something special by him not being made a permanent Australian captain at some point in his career, but we also heard it quite often in his later career as a commentator.

Over the weeks since his death we have heard a lot more about Shane Warne the person. The person you saw on the screen was the same off the screen, someone who could fit in and mix it with any crowd—celebrities or the punter on the street. He was a much-loved person, and he really did exude that energy of the love that so many Australians had for him. We heard about him as a mate, a reliable friend who kept his word, a son and a father who had such a positive influence on his kids' lives by being there and helping them in their toughest moments, and a brother. For me the highlight of the state memorial service was the letter his brother wrote to him at the start of his career urging him to sacrifice so he would look back on his career as the best spin bowler in history. That I thought was a highlight.

Like many at the state memorial, I was very surprised by his advocacy for the environment. It was revealed that Shane had joined the UN Development Programme's wildlife fund and that they will now present a Shane Warne conservation grant to memorialise his work to protect wildlife and catalyse more action. To be fair, he had previously called for cricket to be proactive and reactive about the dangers the sport faces due to the climate crisis, with cricket a summer sport played in some of the hottest places and certainly the sport that is the most under threat from climate change.

Shane Warne was a legend, he was an inspiration, he was a Victorian icon. To his family—Brooke, Jackson and Summer; his parents, Brigitte and Keith; his brother, Jason—our thoughts are with you. We mourn your loss. We celebrate his life. Vale, Shane Warne. I will finish by simply saying, 'Bowling, Shane'.

**Mr EREN** (Lara) (11:22): It is obviously with great sadness that I rise to join the condolence motion for the late Shane Warne today. Victoria lost an icon on 4 March 2022, but it was not just Victoria. As we all know, Shane Warne was an Australian legend, a king of cricket and the wider sporting world. We saw that support in the attendance at his memorial service at the MCG by thousands of people from across the country. It was viewed by over a billion people on TV. He inspired and defined the cricketing world. A right-arm leg spinner, he is widely considered one of the greatest bowlers in cricket history.

And what a career he had. Whether it was the Ashes hat-trick at the MCG, his 700th test wicket on Boxing Day or the famous ball of the century in 1993, he gave the nation memories that will not soon be forgotten. Shane earned his baggy green in 1992 and went on to play 145 tests for Australia. He played 194 one-day internationals, taking over 1000 wickets combined and establishing himself as the greatest leg spinner of all time. His performance on the pitch drew us to the game that he cared so deeply for. Anyone who saw Shane Warne play will never forget him, and that is why to many he will always be known as 'Warnie' or the 'King of spin'. His talent was matched by his humour, flair and larrikinism.

I was lucky enough to have met Shane during my time as Minister for Sport. We did a number of cricketing events together. He was a genuine person. He was delightful to be with. He was very witty and down to earth and very relaxed. He made you very comfortable even though he was a worldwide superstar. I met a lot of athletes through my time as the Minister for Sport and Minister for Tourism and Major Events, and I have got to say that Shane Warne by far was the most special person that I

met in that time. When you consider it, there were a number of things that made him happy. Cricket made him happy, and the Saints made him happy. He was very happy for us as a government to make Lakeside Stadium the home of Victorian cricket and moving the Saints to Moorabbin, their spiritual home. I am sure the member for Bentleigh will remember that as well. He was very happy about those two things, the two things he loved the most: cricket and the Saints.

He was also very generous, if I can call it that, with his time, especially for some of the things that he did behind the scenes, and not many people knew all of the things that he did for charity. The member for Yan Yean reminded me of the time—and it was mentioned by Keith, his father—when he assisted with the terrible tragedy that was the Black Saturday event in Victoria and how he paid special attention to Aiden. I think that says a lot about the man himself. Apart from being a really talented cricketer, he was also a decent human being.

Those of you in the house will know that I too suffered a cardiac arrest in 2016 at the age of 52, and as we know, Paul Couch did at the age of 52 and Senator Kimberley Kitching did at the age of 52. There is something about that age. But I can just say at this point in time it is a very timely reminder to us all—and I urge even the healthiest of people—to have regular heart check-ups. It is so important to listen to your body, especially if you have got a family history, like I have. You should be going to your doctor regularly and getting at least a 12-monthly check-up. Approximately 50 people die from cardiac arrest every day. I was one of the lucky ones. It is absolutely horrible that we are here today because Shane Warne was not.

It was a special moment on 30 March when the state memorial was held to honour Shane Warne, and it was held at the MCG. The service commenced with a minute's silence followed by a welcome to country and a rendition of the Australian national anthem performed by Greta Bradman—how appropriate. Shane's memory was then honoured by a number of video tributes and live performances from artists, including Elton John, Ed Sheeran, Chris Martin, Coldplay, Robbie Williams, Jon Stevens and of course Anthony Callea. But what was really on display throughout this service was the way Shane had touched the hearts of so many in the wider community, those who knew him well and those who were never lucky enough to have met him. Throughout the service his contributions and achievements were honoured by his family, his close friends and former teammates. It was a truly heartfelt moment when at the conclusion of the service his children, Brooke, Jackson and Summer, honoured their father—and I have got to admit they were all great eulogies, but Summer's one got to me the most; I could not help but cry when I heard Summer eulogise her dad. It was great to see that all his children unveiled the new Shane Warne stand at the MCG.

My heartfelt sympathy goes out to Shane's family at this sad time. While we are all feeling grief at his passing, it is his parents, Keith and Brigitte, his brother, Jason, and his three children, Jackson, Summer and Brooke, who are truly suffering. I would like to thank them on behalf of all Victorians for sharing the special gift that was their son, their brother and their dad with us all. Vale, Shane Warne.

**Mr NEWBURY** (Brighton) (11:28): Shane Keith Warne, what a bloody legend! When Shane Warne passed it felt like Australia had collectively skipped a beat. Though we miss and mourn those who pass, there are some who touch us so deeply that we hold our collective breath when they pass and openly grieve as a community. Well, Australia stopped when Shane passed. He has left a significant imprint on our nation: one of the five Wisden Cricketers of the Century, the greatest Australian captain we never but should have had. Deep and heavy footprints he has left across his 52-year life, a life filled ten times over. Shane was a man of profound achievement, a man who like most of us started as a boy kicking a football and playing backyard cricket with his brother, dreaming about his future. The difference is that boy grew up and became a rockstar of cricket—a rockstar who delivered magic when he bowled.

Over recent weeks we have all seen the outpouring of love for Shane, and he was loved for many reasons. Part of that love can be explained quite simply. In many ways Shane embodied the Australian character. He was an underdog who took up cricket after being denied his football dream. He was

egalitarian—he never had tickets on himself, no tickets despite becoming the cricketing legend who delivered the Gatting ball, the Boxing Day hat-trick and took a career haul of 708 test wickets.

He was a larrikin and a self-described bit of a bogan in the best possible way, a bloke who took a sandwich maker and plastic cheese with him to India. He was a man with a big smile who never took himself too seriously. Perhaps what we all loved so much about Shane was that despite his skill and achievement he was authentic. Of course he made mistakes, like we all do, many of which he lived through publicly, but he owned them. He was a bit of a scallywag with a cheeky laugh, and not just the laugh—he really loved to sledge, and I confess I fell victim to it more than once.

I recall Shane arriving at an event in Brighton once soon after coming back from overseas. He had a fresh haircut. He had an undercut. I mentioned to him that it was a seriously edgy new look, and he paused, looked me dead in the eye and said, ‘I’ve done you a favour, James’. Can you imagine my response? I stopped absolutely dead. He had stumped me. I asked how the king, someone who I had idolised since I was a teenager, had done me a favour. ‘Well’, Shane said, ‘now Brighton won’t just be talking about your hairstyle, mate’—and he delivered it deadpan, before lighting up, overly pleased with himself.

Despite the sledge, I should point out that the event was in support of a Bayside sporting club, and that is the way he was: giving up his time to help kids. He would often get out and train with the local clubs, helping young kids learn sport. In fact whenever he would attend he would arrive, speak as briefly with the team executives as he could without being impolite and then head straight out onto the field, where he would spend hours with the kids. He also gave to the community through the Shane Warne charitable foundation, which while it operated donated over \$4 million to sick young people. And let us not forget his charitable \$1 million donation to the bushfire appeal when he sold his iconic baggy green cap.

Shane was an incredibly loved person in Bayside. He was part of our community, and he gave to our community—a boy from Sandringham Primary, Hampton High and Mentone Grammar. As he would often say, Brighton was his patch, and he had certainly worked his way through a lot of Brighton property. Now he has done all of Brighton. With that in mind, I want to acknowledge his parents and children, who spoke so beautifully at the recent memorial: Summer, who was so deeply honest and raw; Jackson, who spoke so openly of missing his best mate; and Brooke, who has always been such a brave eldest sibling. To his family, we as a Parliament send our condolences, and on behalf of my community: Brighton will miss you, Shane, very much. Rest in peace, legend.

**Mr ROWSWELL** (Sandringham) (11:33): I also rise to mourn the death of the boy from Bayside, Shane Warne. Warne was a Bayside boy through and through. Growing up, he lived at 229 Thomas Street, Hampton, then moved to Black Rock. He attended Sandringham Primary School and Hampton High and was the recipient of a sporting scholarship to Mentone Grammar from year 10. He later moved to Sandringham and then to Brighton. His parents, Brigitte and Keith, still live in Black Rock today.

His cricket career started at the RG Chisholm Reserve in Duncan Street, Sandringham, when in 1978 he played for the East Sandringham Cricket Club. He returned to the ground many times, played in a junior premiership team there and even donated a beer fridge to that club. Six years ago he returned to Chisholm reserve to play a match against Bentleigh ANA Cricket Club. He said at the time:

1978 was the first time down here as a nine-year-old, so it’s nice to be back at East Sandy, that’s for sure ...

...

Whatever [East Sandringham] need me to do, I’m happy to do—if they need me to bowl a bit, I’ll bowl a bit ...

Kim Pitt, a former president, captain, coach and cornerstone of East Sandy cricket club remembers Warne fondly. Kim shared with me that Warne’s cricket skills when a junior were honed with the assistance of a few East Sandy senior players, and according to Kim both batting and bowling skills were deemed to be closely the same back then. Warne was part of an under-12A premiership team

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and played seniors with the club through to 1985–86, and when a 16-year-old he played four games that season in the senior 1s team prior to departing for Mentone Grammar and the St Kilda club.

I spoke to Warne's great mate Brad Hodge, a former teammate, very recently and Aaron Hamill, a good friend of his, this morning. Both men wanted me to stress just how much Warne loved Bayside and was a champion for our sporting clubs and teams. Whether it was recalling childhood memories of having a hit of the tennis ball at the Black Rock Sports Club with his brother, heading to the local cricket nets or in later life watching his son, Jackson, play footy at Donald MacDonald Reserve in Beaumaris, Warne loved local sport, he championed it and he supported it.

But there is no sporting prowess without sustenance. Arguably the best takeaway pizza in the district is served up at Alex's Pizza on Bluff Road in Sandringham. The business owner there, head chef and local identity Michael Sawiris, recalled:

He used to come every Tuesday to buy pizza—even when he moved from Sandringham to Brighton. His regular order was tomato, cheese and ham—he was a simple man and very nice person. When he came in, he knew my name. He would always joke. I had a photo with him of course.

He used to talk to me about cricket, I said "Shane, I don't like cricket", "Why do you not like cricket?" "I don't understand it". He starts to explain cricket to me.

He came in on Tuesday. On Saturday, I was driving in my car and on the radio, I heard he passed away. I cannot believe he passed away.

He was a friend to me, he would come into the kitchen. I would say he does not have to pay. He would insist "I have to pay". He was always a happy person.

Michael went on to tell me that although he would not pay for his pizza, at Michael's insistence, Warne would stand out on Bluff Road for a couple of minutes, pizza box in hand, outside Michael's restaurant, to show everyone driving by that he thought Michael's pizza was something special.

Like many thousands of people from Bayside, my wife and I attended the state memorial for Warne at the MCG, and at that memorial Jason Warne, Shane's brother, recalled that when Dave Beck:

... and Shane were 13 years old, Shane slipped when jumping off the pier at Halfmoon Bay and knocked himself out ... Dave jumped in ... saving his life ... you gave us an extra 39 years with Shane and gave the world so much entertainment.

It is no wonder then that when a similar circumstance unfolded in 2016 Warne was there to help: 14-year-old Will Murray, son of Emma and Nick, broke his neck jumping from the Half Moon Bay pier and became a quadriplegic. Will was a star athlete, from football to basketball to BMX. It was apparent to me and others that Warne saw parallels with his own experience when he heard Will's story. It was the Shane Warne Foundation that supported Will and the Murray family with a \$340 000 contribution—Warne, a Bayside boy, helping a Bayside family in their time of need. He never forgot his local roots.

My electorate, and my community, was Warne's home. He lived there, he studied there, he enjoyed magnificent pizza there, he helped others there and he mastered his cricket craft there also. Vale, Shane Keith Warne.

**Motion agreed to in silence, members showing unanimous agreement by standing in their places.**

## Bills

**TRANSPORT LEGISLATION AMENDMENT (PORT REFORMS AND OTHER MATTERS) BILL 2022***Second reading***Debate resumed on motion of Ms HORNE:**

That this bill be now read a second time.

**Ms HALL** (Footscray) (11:40): I am very pleased to make a contribution to this bill and provide some context about why port reform matters. In my community in Melbourne's inner west we are very proud of our industrial heritage. Since colonisation our history has been defined by work and by working people. The factories of Melbourne's inner west have been engine rooms of production, whether it be the meatworks that lined the Maribyrnong or the great manufacturing centres of our national war efforts. From West Footscray to Yarraville, Braybrook and Maribyrnong, the threads of our industrial history are strong, they are powerful, and they are proud. Of course we are also the closest community to Melbourne's thriving port, and that is where you can see firsthand the booming Victorian economy in action. Like most residents, I am very familiar with the sounds and bright lights of the port. I am very fond of hearing the ships sound their arrival and watching the trains carrying goods from the port and to the port through Bunbury Street's famous tunnel.

The inner west of decades ago, however, has changed. Our industries have evolved and so have the operations of the port. Many of our factory gates have closed and made way for different but still innovative industries. The trucks moving goods across Victoria and Australia have gotten bigger, and in their thousands they move goods through my community. These trucks, essential to get the things we buy to where they need to go, are travelling on roads that were not designed to accommodate that sort of capacity. A major problem locally for residents has been the movement of empty containers to container parks located on the outskirts of our residential areas.

I recently asked the Minister for Ports and Freight about this issue in a constituency question, and I want to take this opportunity because just this week I received an answer to that constituency question. My question to the minister was about my electorate of Footscray being located next to Australia's busiest container port, the port of Melbourne. With many warehouses and distribution centres in Melbourne's west, much of the container movement happens through my electorate, and I am aware of both full and empty container congestion at the port, container parks and warehouses. I asked the Minister for Ports and Freight to provide an update on what the government is doing to mitigate the impact of shipping container build-up in our ports and storage yards.

Today's bill is one piece of reform that is happening, but I think the minister's response to that question demonstrates some of the really tangible reforms that are taking place and which are easing the pressure in my community of truck movements from the port of Melbourne. The minister responded by saying that:

Supply chain congestion in Victoria has been driven by unprecedented consumer demand for imported goods, increased export volumes, and low levels of empty container evacuation. These factors have contributed to the build-up of empty containers.

This is not only a local domestic issue at the Port of Melbourne ... but extends globally. Container congestion has contributed to extended wait times for consumer goods, increased shipping costs, and challenges in managing empty containers.

The Andrews Labor Government is committed to working with key stakeholders including shipping line operators, importers, stevedores, land transport operators, and empty container parks to ensure Victoria's containerised freight supply chain continues to operate efficiently and effectively.

To this end, on 11 March 2022, Premier Daniel Andrews announced the formation of a Container Storage Working Group chaired by the Department of Transport with representatives from across the shipping industry, stevedores, transport operators, peak bodies, and government. The working group meetings will

measure and analyse current pressures on the storage of shipping containers and provide possible solutions to mitigate stresses on Victoria's supply chain.

This is fantastic news for my community—that this work is being done to analyse and understand where these empty containers are going and what we can do to reduce that impact on local roads in Melbourne's inner west.

To mitigate the impacts of container movement, particularly in the western suburbs, the government is working with the port of Melbourne on two rail infrastructure projects designed to improve the efficiency of container movement by encouraging containers onto trains and reducing the number of trucks on local roads. Work has now commenced on the port rail transformation project and the port rail shuttle network. This involves the development and construction of a new rail terminal interfacing with the Swanson Dock East international container terminal and is scheduled for completion in mid-2023. When completed this will connect the port of Melbourne to major freight hubs or intermodal sites, which we have been speaking a little bit about this week in the chamber, in outer Melbourne using existing rail networks, making it easier and cheaper for businesses to use rail freight. Again, this is really exciting news in my community where, coupled with the West Gate Tunnel Project, it will take thousands of trucks off local roads every day, and we will have truck bans on roads that have been heavily congested with truck traffic from the port, including Francis Street, Somerville Road, Moore Street and Buckley Street through central Footscray. As I said, these roads just were not designed to take the kind of freight that is coming through them, and so I think like many people in my community I am eagerly awaiting those truck bans taking place. Not, I should add, because we are anti trucks. This is about getting more of the containers onto rail but also getting the trucks onto the roads that are better for the trucks and the truck drivers and also better for our community.

I think the minister's detailed response to my constituency question does speak to the broader reform underway to deliver cleaner and more efficient freight movements, moving more freight onto rail and empty containers to where they need to be, and provides a bigger picture of the reform underway. Because what happens at the port does impact the streets and neighbourhoods of my community in Melbourne's inner west.

This bill embeds the establishment of Ports Victoria in legislation, provides for the abolition of the Victorian Ports Corporation (Melbourne) and the Victorian Regional Channels Authority and tidies up a number of things there. It provides Ports Victoria with the tools it needs to implement improved coordination, resilience and agility in relation to the safe provision of essential port services.

With the time I have remaining I would like to acknowledge the work of the minister. It has been incredibly beneficial for us to have a local resident, someone who has been involved in this issue in our local community for many, many years, as the Minister for Ports and Freight. I think that having that local knowledge has been terrific in responding to some of the local issues. I would also like to acknowledge the work of the Minister for Public Transport. Currently the Minister for Ports and Freight and I are working with the Minister for Public Transport to respond to some of the existing issues that are happening locally as we prepare for the opening of the West Gate Tunnel Project. We are hoping to make some steps forward to improve compliance on local roads with some of the truck movements taking place and to make them safer, especially where we have truck curfews in place on some of those local roads. I would also like to acknowledge the work of the Maribyrnong Truck Action Group, our local activist group—local residents who have been working tirelessly for many decades to resolve some of these issues. I commend the bill to the house.

**Mr MORRIS** (Mornington) (11:50): I am pleased to rise to make some comments on this alleged ports reform bill, the Transport Legislation Amendment (Port Reforms and Other Matters) Bill 2022. It establishes Ports Victoria on a legislative basis. I understand it is currently an administrative unit. It defines some functions for Ports Victoria in terms of pilotage and towage, and it renames and, frankly, severely limits the port of Hastings—the current Port of Hastings Development Authority; it limits that enormously. There are some consequential amendments, and there are a number of random changes to



other transport acts. Apparently the only common thread is the fact that they are associated with the Department of Transport (DOT), and that appears to be the ‘Other Matters’ referred to in the short title.

I am glad the member for Footscray says this is an important bill, because it is, and you would never know that from the way the government has approached this issue. This is a serious business. The port of Melbourne puts through \$26 billion worth of exports each and every year—\$26 billion just of exports, not counting the billions and billions and billions of dollars of imports that go through that port. Yet the government is playing games. They are playing politics with an industry that is absolutely critical not only for trade but for the Victorian economy. It is a central part of the Victorian economy, yet the government is playing games with this whole issue. They have a strategy that simply does not stand up. It does not stand up in any way at all. Then it says, in the second-reading speech, ‘The main purpose of this bill is to get on with the job of implementing commitments made in the response to the independent ports reform’. One of the dot points is:

Implements review recommendations in relation to local ports ...

No, it does not. It does not go anywhere near doing that. So it is about playing games. They claim that the government have accepted all 63 recommendations of the independent report. It might be more accurate to say they have not rejected any of the recommendations. When you read through the response document, it is clear they have not accepted them—support in principle or, ‘Yeah, that’s the right direction. We’re heading in that right direction’. That is not what is happening there.

Then we get to the briefing. Now, a few weeks ago I was very complimentary about a briefing the Attorney-General’s office organised for one of the justice bills. It was a thorough briefing and, as I mentioned at the time, conducted very effectively. With this briefing unfortunately I was detained on committee business, and I was not able to attend the briefing. But I understand it was Friday afternoon at 1 o’clock, take it or leave it, and then access to the officers from the Department of Transport was either extremely limited or not available. That is not acceptable in any way. This is not a rubber stamp. We are legislators. Any member of Parliament is entitled to be briefed properly on a bill and have access to the public service to get an honest answer, not filtered through the minister’s office—any member of Parliament. For this sort of game to be played with the opposition, the principal alternate party in the Parliament, is completely unacceptable and should not happen.

I want to make some comments about the impact of this legislation on the port of Hastings. Clause 20 of the bill changes the current definition of the Transport Integration Act 2010. The current definition talks about facilitating:

... the development of the port of Hastings as a viable alternative to the port of Melbourne as a container port in order to increase capacity and competition in the container ports sector to accommodate future growth ...

Clause 20 of this bill strips all that out so it is now:

... to manage, develop and operate the port of Hastings consistently with the vision statement and the transport system objectives—

which is already in the existing act. The minister’s press release goes on to say the change will be to:

... reflect its future role and open the potential for investment and development across a range of dry and liquid bulk trades.

In other words it will limit severely the opportunity for the port of Hastings to expand. It does not just limit it, it neuters this organisation. That is effectively what this legislation does. It neuters the port. It is an endeavour, clearly, to promote the government’s harebrained Bay West scheme, which is a political fix. It is just a political stitch-up. It flies in the face of physical reality, of depths of water, of where trade is occurring, and it makes no economic sense. The channels leading into the port of Geelong are 12 metres deep and 120 metres wide. The channel leading into the port of Hastings is 14.2 metres deep and 180 metres wide. It makes no sense to move a whole lot of sand out of Port Phillip Bay, with all the environmental damage that that includes, and starve Hastings of trade, in any other way than in a political fix—and that is exactly what this is. That is exactly what this bill is.

We know Infrastructure Victoria is an apologist for this government. Ministers and members will say, 'Oh, but it's independent'. It is not independent. There are some good people there, I do not doubt that for a moment, but their board is dominated by secretaries—secretaries whose job it is to do as the government directs, to follow the policy of the government—so to suggest that Infrastructure Victoria is providing independent advice is complete and utter nonsense.

There are some recommendations in the *Independent Review of the Victorian Ports System* relating to the need to protect land. Here we go—the need to ensure that there is not inappropriate encroachment on the boundaries of the port environs and to make sure the corridors are retained. The reality is that the corridors and the land were established in Western Port in the 1970s. I am a former member of the Westernport Regional Planning and Coordination Committee. We reviewed that land and those corridors in the 1990s. They were again reviewed under the then Minister for Roads and Ports in the 2000s. All of that infrastructure is in place, yet it is being ignored by this government in a political stitch-up.

The next point I want to move to relates to local ports. Now, the story of local ports is a very sad one, and despite the Minister for Ports and Freight's claims—I am delighted to see she is at the table—this bill does not implement the review recommendations in relation to local ports. As the *Age* reported earlier this year, 19 piers and jetties are completely or partially closed in Port Phillip and Western Port. I have spoken recently about Fisherman's Jetty in the Mornington harbour, which has been closed and, if it is left to the government's own devices, probably will never open again. The local community has stepped in and is seeking to open it. But the report made clear in terms of local port funding that none of the local ports operations are sustainable without funding administered by DOT and many of the local port assets are now approaching end of life—local port assets approaching end of life.

Then we have the government response, which says absolutely nothing about funding despite a direct recommendation in the review of Victorian ports that funding for local ports needs to be addressed. What is in the response—'Oh, we'll get to it. We need a funding formula'. Yes, we do need a funding formula, and we need it now, because the local ports framework talks about all the money they are spending—'Oh, we're spending \$16.6 million to fund our local ports program'. On \$650 million worth of assets that is 2.5 per cent per annum, and the report acknowledges these assets are approaching end of life. So it is not like you are starting with brand new assets and you can work over 40 years, which is what the 2.5 per cent works out to, to deal with those. The government's own report has indicated these assets are collapsing, they are at their end of life, and this bill and this policy do absolutely nothing to fix that.

There are a number of other changes in regard to the Tourist and Heritage Railway Act 2010, which I think are worthwhile changes, and there is an interesting one that extends to officers of the Victorian Fisheries Authority—or the CEO of the Victorian Fisheries Authority—the capacity to have delegation actions under the Conservation, Forests and Lands Act 1987, which is interesting in this bill. But this bill as it is presented is a total fraud.

**Mr MAAS** (Narre Warren South) (12:00): It gives me great pleasure to rise and to speak to the Transport Legislation Amendment (Port Reforms and Other Matters) Bill 2022. I do so knowing that the Minister for Ports and Freight is at the table, and I commend her for the work that she is doing in reforming our ports. She is a very strong advocate for the area—obviously as minister but also for her electorate area, as is the member for Footscray—as well as for the ports, with all the billions of dollars of exports that run through them providing jobs for the community of the inner west. I must say I am still not exactly clear whether the opposition are supporting or opposing this bill, but there have been many points raised by them which I think are deserving of some further exploration and indeed rebuttal.

If I could go to the point of consultation, firstly, on the bill. Consultation is something that this government takes very, very seriously. Let us not forget that the whole ball started rolling with an independent review of the Victorian ports system. You do not conduct reviews without having consultation. There were something like 40 targeted stakeholder sessions, and then there were some

80 individual stakeholders with whom consultations were held across the state. In July 2020 the review's discussion paper was released publicly, and from that there were an additional 70 written submissions received that ultimately helped to inform the final report. Then in February 2021 the initial government response to the review was publicly released at a ports industry round table, announcing the establishment of Ports Victoria, and then in August of last year the full government response was publicly released. The reforms in the bill are focused on greater accountability, ultimately, and greater transparency in our ports system, and that is what our engagement and consultation with stakeholders has absolutely mirrored. So to say somehow that there has been no consultation to get to this point and that somehow there is a cover-up in the minister's office is just absolutely farcical. It is just not true.

In terms of the points around the transport restructuring order, contrary to the assertion that the opposition has made, the transport restructuring order is actually a valid mechanism for the government to act quickly in establishing Ports Victoria so it can immediately begin the process of greater oversight and transparency in the safe navigation of Victorian waters. Another hallmark of this government is of course safety—safety is absolutely paramount—and that is why the establishment of Ports Victoria was the very first action taken in response to the findings of the independent review. And just on the establishment of Ports Victoria, it is always a plan to provide some time for these new arrangements under Ports Victoria's governance model to be bedded down before implementing the remaining reforms recommended by the review. Combining those two organisations into one, changing the location of the head office and making changes to executive management all have effects that require change management. Time is needed to be afforded to allow these strategies to be implemented effectively and ensure the organisation is ready to take on the new roles and responsibilities that are specified in the bill.

The legislative changes do formalise the creation of Ports Victoria, which commenced operations on 1 July 2021. These reforms will not change how the commercial ports operate. The changes will enshrine the creation of Ports Victoria in law and adapt its charter to better focus on integration and other transport system objectives. Changes include adapting its charter to promote and facilitate trade, undertake operational activities and provide technical and consultancy services in relation to the whole of the Victorian ports system. As these are part of the bill that is being considered, these have not yet come into effect.

Another point that was raised was the actual productivity of the port. Again the Andrews government has really harnessed the value of the port of Melbourne. It is an economic engine room, contributing some \$6 billion to our economy every single year, with, as mentioned a few times now, some \$26 billion of exports passing through the port each year. Since the lease of the port it has increased its productivity by 26 per cent, and it is in fact 30 per cent more efficient than the next best Australian port. In terms of that concept of the last mile, we are slashing that with the \$125 million investment in on-dock rail at the port. These are significant savings that are being made here. Meanwhile the federal government have stalled on the one commitment—the only commitment—that they made, to review part X of the Competition and Consumer Act 2010, surely among the most permissive regimes of shipping liner protections used by a developed country, yet we have been failed there. It has taken this state government yet again to show leadership, and it has taken a Labor government to put rail back at the port, to connect it to metro and regional intermodal hubs to keep freight moving, to introduce a nation-leading pricing model and to keep the port up and running during the pandemic.

The last thing I will speak to in terms of rebuttal is the port stevedore charges. Our stakeholders have told us that stevedore infrastructure charges just were not transparent. We have listened and we have acted. We are undertaking the port pricing and supply chain review and acting immediately on those recommendations. We have developed the first voluntary port performance framework in the country, and now we see fewer increases in charges, more notice of changes and stevedores actually talking to industry about the charges. The government has led the way in fact in increasing pricing transparency, and these protocols have formed the basis of the national model developed by the National Transport Commission. Yet again it has taken a Labor government to put rail back at the port, connected to a

series of intermodal hubs to keep freight moving; to introduce a nation-leading pricing model; and to keep the port up and running during the pandemic.

These reforms are very important. We do know that freight volumes are expected to more than double over the next 30 years, so our safe and efficient port operations remain absolutely vital to the state's economic health, to its growth and certainly to its competitive advantage. This is an excellent bill. I thank the minister and her department for all of the work that has gone into it, and I wish the bill a speedy passage through the house.

**Ms STALEY** (Ripon) (12:10): I rise to speak briefly on the Transport Legislation Amendment (Port Reforms and Other Matters) Bill 2022. We have just heard from the member for Narre Warren South. While almost everything he said suggested that he is living in some sort of alternative reality, I will agree with one point, and that is the importance of the ports to Victoria's prosperity. But in terms of almost everything else he said, I cannot understand what he said. For example, he talked about the productivity of the port, and yet a recent World Bank and IHS Markit productivity study showed that the port of Melbourne rates 313 out of 351 ports globally that were studied. That puts it in the bottom 15 per cent globally. Other published data shows that the median import time for container ships at the port of Melbourne is three times longer than Japan and twice as long as China, and this is the heart of what is wrong with this piece of legislation.

In itself we do not oppose the piece of legislation before us today, but it is such a missed opportunity and indicative of the failure of this government to reform our ports in any way. The member for Narre Warren South talked about leading the way in increasing pricing transparency. I think he could have left 'transparency' off that sentence, because certainly this government has led the way in increasing port pricing but not much else. What we see is the port of Melbourne—which is Australia's great container port, incredibly important to this state's exports and to the freight and logistics hub that Victoria is and has been for a long time—is losing its way under this government because the port reforms that are needed have not come through and we do not have the productivity that we need, we do not have the links into the ports that we need and we certainly do not have a government or a minister that is up to the task of making sure that the important growth that the port of Melbourne and ports generally in Victoria will see over the next 30 years is going to occur.

What this bill effectively does is bring a couple of organisations together, change their names and set up a different structure within them, but it is missing a whole lot of other things that need to be done. I of course come from a country electorate, the great electorate of Ripon, and export performance is really important to the farmers, producers and food manufacturers in particular in my electorate. I note that food and fibre remain Victoria's largest export, at almost \$14 billion in 2020–21, and within Ripon we certainly contribute to that export performance with extensive grain growing areas, meat exports and wine exports. Meat alone is \$3.3 billion in exports and is Victoria's largest single export by value. And I think given where grain prices have been recently and that we have had a very good harvest for the second year in a row, we should see further increases in grain exports.

My part of the world cares very deeply about freight performance generally and port performance specifically, but what we have seen when it comes to freight generally is the Murray Basin rail project is stalled. The government has completely botched that project. They have spent almost half a billion dollars on it to get pretty much no improvement, and they are now fixing up the errors they made the first time around, which will not end up with us getting a project that standardises rail, for example, from Dunolly to Maryborough. That part of the project has been entirely abandoned. The parts of the project that would link the port of Portland to Ararat and upgrade that rail have been abandoned.

At every point this government is failing to deliver the freight changes that will move us to where we need to go over the next 30 years. In my part of the world the most important project is that Murray Basin rail project, which the government has botched and is showing no intention of getting back on and completing. Instead, as is usual, they are blaming other governments. I mean, this is the classic

government dog-ate-my-homework line. Whenever anything goes wrong it has to be somebody else's fault. Well, in the case of the Murray Basin rail project, it is entirely their fault.

I note that this bill falls within the general requirement for integrated transport planning and once again is not meeting the act's requirements for having an integrated transport plan. This government is ad hoc when it comes to freight, when it comes to all of the ports and freight and transport that fit together in that way, which is so important to so many Victorians, whether they work in those industries, whether they work in export-oriented industries or whether they share the roads with the trucks that could be off the roads if the government managed to get its rail freight policy up to speed and going again.

The government has once again missed a massive opportunity here, and it is just all the same. This government really has not delivered when it comes to port reform, and that is why we have Melbourne's port in the bottom 15 per cent of global ports for productivity. It is just not good enough. I am not alone in noting that Melbourne is currently on track to lose its crown as the major port in Australia for container ports. It will be a tragedy if that happens, and it will be on the head of this government. So while government members get up and congratulate themselves and seek to congratulate the minister for getting a bill to this chamber, I think we are well past that. This government should have done so much more. This is once again a huge missed opportunity by this government to deliver the kinds of port reforms that this state needs.

**Mr CHEESEMAN** (South Barwon) (12:17): I rise this afternoon to speak on the Transport Legislation Amendment (Port Reforms and Other Matters) Bill 2022. I must say that in reflecting on this bill of course my mind very much turns to the circumstances of Geelong. As people in this chamber would be very much aware, Geelong has one of the oldest ports in Australia, and that port has played a key role in the Victorian and national economies, being a global point of access to Victorian product. I am someone who is very proud to call a port city, Geelong, home in our region.

This provides me a great opportunity to reflect on the broader logistics industry and the profound opportunities that do exist in Geelong. Geelong is the proud home of the Geelong port. We are also of course the proud home of Victoria's second airport, in Avalon Airport, and both the Geelong port and Avalon Airport provide a strategic advantage to the broader Geelong region and indeed are very profoundly important for driving jobs in our region. I certainly have no doubt that in the years to come the port of Geelong, the maritime industry and indeed Avalon Airport will be major drivers of our region. I know and I am certainly glad that the member for Geelong is here in the chamber, but when I reflect on the port of Geelong and when I reflect on Avalon Airport and those profound opportunities, I think we also need to reflect on the fact that both of those logistics ports sit very close to the Geelong rail network that connects to our national freight network, and both are located conveniently close to the Princes Highway, again creating huge and profound opportunities for logistics in our region. I am someone who has from time to time in my parliamentary career reflected on those economic opportunities that come from Geelong being a maritime city, and I am certainly someone who sees that all of Geelong's ports do not play a competitive role against one another. They are parts of a system, a network, an ecosystem, that do not compete with one another but work in synergy to help drive our logistics opportunities that exist.

Australia, and indeed Victoria, has always prided itself on being an import-export economy, an economy that very much wants to connect to the global economy, and we need to make sure that our ports and our airports are fit for purpose for that. In order to drive those competitive advantages and those opportunities to create jobs we need to make sure that we have governance arrangements that are fit for purpose and that those governance arrangements that are fit for purpose are not seeing our ports become less competitive. In fact what we want to see is our ports become more competitive so that our competitive advantage against other Australian jurisdictions is maintained. I am proud that the minister has taken us on this reform journey because I think by bedding down these governance arrangements, by prioritising the way we look at the logistics industry and by prioritising the way we look at our ports industry and as a consequence of getting these measures right we can continue to maintain our competitive advantage to make sure that we can get our product to the global economy

as efficiently and as effectively as possible. We want to make sure that our ports do not compete against one another.

As I said earlier, Geelong is a maritime city, and historically it has played a significant role. The port of Geelong has over that journey had many facets to its business, and it has changed and it has evolved to reflect the opportunities and the need to not compete against other Victorian ports. I think Geelong as a centre of maritime excellence is something that we should reflect on. There are huge opportunities to look at the role that Geelong plays, to look at the opportunities that exist around training future maritime workers and to look at the opportunity of how we might play a role in training those people so that we can build a strong Australian shipping industry. We have seen in more recent times some of the profound challenges that exist in the logistics chain globally. I think we can have a strong Australian maritime industry with a strong set of Victorian ports that compete as a system against other Australian jurisdictions, making sure that our ports and logistics industry, on a global scale, can be competitive and can provide a huge opportunity for jobs and be a jobs driver in our Victorian economy.

I am very pleased to see this legislation come to this chamber. I hope that it can get through this chamber quickly and through the Legislative Council quickly so that the Victorian government can get on with making the profound and necessary changes to ensure that our ports system and our logistics opportunities are realised, that we create an efficient way to interact with the global economy and that we drive that investment into our ports to make sure that we have got world-class ports here in Victoria servicing not only the Victorian economy but, importantly, the national economy.

I think Geelong can play a profound role in that. I am looking forward to Ports Victoria being located in Geelong. I am looking forward to the opportunities that might come as a consequence of those historic opportunities. I am looking forward to seeing the role of the Geelong port in our Victorian ports network in the years to come. I am looking forward to the maritime industry in Australia being rebuilt, hopefully under an Albanese government. I think these opportunities are profound. I think they are important. I think they are significant. I want to see Victoria at the heart and soul of the Australian maritime industry in the years to come, and I think this reform will underpin that way forward. I certainly commend this bill to this house.

**Ms HORNE** (Williamstown—Minister for Ports and Freight, Minister for Consumer Affairs, Gaming and Liquor Regulation, Minister for Fishing and Boating) (12:26): I move:

That the debate be now adjourned.

### House divided on motion:

#### *Ayes, 43*

Addison, Ms  
Blandthorn, Ms  
Brayne, Mr  
Bull, Mr J  
Carbines, Mr  
Carroll, Mr  
Cheeseman, Mr  
Connolly, Ms  
Couzens, Ms  
Crugnale, Ms  
D'Ambrosio, Ms  
Dimopoulos, Mr  
Edbrooke, Mr  
Edwards, Ms  
Eren, Mr

Foley, Mr  
Fowles, Mr  
Fregon, Mr  
Green, Ms  
Halfpenny, Ms  
Hall, Ms  
Hennessy, Ms  
Horne, Ms  
Hutchins, Ms  
Kennedy, Mr  
Kilkenny, Ms  
Maas, Mr  
McGhie, Mr  
McGuire, Mr

Merlino, Mr  
Pakula, Mr  
Pallas, Mr  
Richards, Ms  
Scott, Mr  
Settle, Ms  
Spence, Ms  
Staikos, Mr  
Suleyman, Ms  
Tak, Mr  
Taylor, Mr  
Theophanous, Ms  
Ward, Ms  
Williams, Ms

#### *Noes, 24*

Angus, Mr  
Blackwood, Mr  
Britnell, Ms

McCurdy, Mr  
McLeish, Ms  
Morris, Mr

Rowswell, Mr  
Ryan, Ms  
Sheed, Ms

## MOTIONS

Thursday, 7 April 2022

Legislative Assembly

1447

Bull, Mr T  
Cupper, Ms  
Hibbins, Mr  
Hodgett, Mr  
Kealy, Ms

Newbury, Mr  
O'Brien, Mr D  
O'Brien, Mr M  
Read, Dr  
Riordan, Mr

Smith, Mr R  
Staley, Ms  
Wakeling, Mr  
Walsh, Mr  
Wells, Mr

**Motion agreed to and debate adjourned.**

**Ordered that debate be adjourned until later this day.**

## Motions

### FEDERAL BUDGET

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

That this house notes the federal Liberal-National government:

- (1) has again failed to deliver Victorians their fair share in the 2022–23 budget; and
- (2) will cut all COVID-19 funding at the end of September, which is \$1.5 billion in Victoria alone.

**Mr McGuire** (Broadmeadows) (12:32): I am glad you filled the chamber to hear the continuation of my contribution on the take-note motion on the budget. I really want to go to a point that I have pursued vigorously on how we overcome Einstein's definition of insanity: repeating the same thing over and over again and expecting a different result. I am going to go to the city deals on this. This, as we know, was a promise from the federal government for two city deals in the countdown to the last federal election. They were for the south-east and the north-west.

I went and saw the then minister, Alan Tudge, after this had been pursued, because I got the feedback in the consultation with local governments that they thought it was fragmented, and I wanted to make sure that this opportunity was not missed. I put a big-picture view, particularly out of the north, on where the assets were and what could be aggregated and how we could get the highest value, and he said the case was compelling. So we went with good faith that there would be delivery on this. Through the Broadmeadows Revitalisation Board 4.0 we were able to get Hume City Council to put a proposal of \$40 million on the table to actually add value, because what we are looking for obviously through these deals is contributions from the three tiers of government.

From north Melbourne's perspective, there is a wonderful opportunity. If I can just highlight the food hub proposal that La Trobe University and CSIRO have combined on, I think it is absolutely in the national interest. It will help exports. It will be in Victoria's interest and right through the entire region. This is really about two of our leading institutions collaborating: CSIRO, our foremost science and industry body, and La Trobe University, which has the natural advantages of the land and everything that it has. They are both offering big investments to make this happen, and I just think that is an absolutely wonderful proposal. Again this is about value. We were able to campaign first of all to win the City Deals, to get that offer at least on the table, and then to get Broadmeadows as a priority.

Now, the value is that we have attracted \$1 billion in new investments for shovel-ready and pipeline projects, so that is the critical catalyst that we have. We have got a whole series of different companies all lined up to do cleaner, greener jobs and a hydrogen hub for energy, and it is about bringing back the north. This was vital at the time because I have long argued that the Australian government too often remains a bystander where there is collaboration where it is needed most. If you go back, what happened was that then Prime Minister Tony Abbott had his budget—remember his budget? It was called the 'lifters and leaners budget'. I asked him to go beyond that rhetoric and to come and meet the heavy lifters in life in Broadmeadows that had underwritten prosperity with heavy manufacturing and how we fast-tracked through to advanced niche manufacturing. Part of that was looking at what CSL, one of our leading companies, had said to a Senate investigation—going way back—about the difficulty of actually manufacturing and getting the value from intellectual property from Australia to be a global company.

So we have had a win there. We got an investment of \$1.8 billion to do not just the AstraZeneca vaccines that are being manufactured there but a new deal with Seqirus, a subsidiary of CSL, nearby at the Melbourne Airport. So that is a win; that is a proposition. But the city deal has the opportunity to bring these together. This is the critical issue of continually having to fight for political advantage, perceived or not, and whether you invest in the best value, where you can deliver economic prosperity and generational change. They are the decisions.

There is huge disappointment in Victoria that after all this time nothing has eventuated with a firm deal on the table. I know that the current minister, Paul Fletcher, was in Melbourne this week talking to the local mayors again about what could happen. I do not know whether they can pull something out literally at 1 minute to midnight, but we are absolutely running out of time. We do not want to see, as I say, Einstein's definition of insanity played out one more time, because this frays public trust. The public want governments, no matter their political background, to invest where they can maximise the value. We are facing the catastrophes of our times. We have to actually look at what we can do and where the regions are. Do not just draw the electoral lines around them, actually see where the assets are, see where you have the elegant science, where you have the aggregation, over generations, of infrastructure and invest there.

This is the opportunity. I am hoping that there will be a late announcement. I have just got to keep pursuing it. The way I put it to Hume City Council was, 'Well, put an offer on the table. Put money down. Show them the money. Actually say you're going to do this, because it doesn't matter who wins this upcoming federal election, the Labor Party have given a commitment that they will honour any deal that is done now. So why don't we actually get something done?'. I want to say that that is an opportunity that should not be missed. I am hoping—here we have got the Parliamentary Secretary to the Treasurer, the member for Bentleigh, who does this on behalf of the Victorian government as well—to try and see if we can drive something to a close. But it is disappointing, because too often the critical analyses of city deals is that they have just been for political advantage, not the best value, not the best economic growth and not the best building of our future. So let us see if there can be something landed in the dying days before the federal government goes into caretaker mode. Victoria clearly needs it.

We have heard in other contributions how we have been duded on the GST, and we know that, and on other infrastructure. That is why the Andrews Labor government has stepped up and filled that void. But we are part of the commonwealth. One of the analyses that was done after the budget was saying that there is almost as much money going to Tasmania, which has the population of Melbourne's north.

This is why we need to look more strategically, invest for the best value, identify the regions, take the electoral maps off the table, because otherwise you get from the federal government, as we did with the demise of the automotive industry, the managed decline strategy, which was Margaret Thatcher's strategy towards England's north because there were no votes there. That is what Melbourne's north got. Geelong got a lot of money. Adelaide got major industries—they got water, they got the proton beam, they got everything, everything, everything—because they were trying to knock off Nick Xenophon, so that was about politics. Let us invest with the best, get the economic return, get the prosperity and analyse where you can do the best deal for the people of Australia, and they will vote for you on that.

**Mr T BULL** (Gippsland East) (12:41): It is a pleasure to rise and speak on the motion that relates to the federal government providing a fair share of funding to Victoria. I want to make some commentary around the fact that from a local perspective of Gippsland East that has certainly not been the case in relation to the level of support. If you use my electorate as an example of support from the federal government, my electorate has received absolutely extraordinary support over recent times, and I am sure that will continue into the upcoming budget year. I want to remark on a couple of projects that have received federal government funding in recent times.



As all members in this chamber will know, it was only a couple of years ago that we endured some very significant bushfires that ravaged our area. Those fires destroyed a lot of community facilities that were integral to the recovery of those communities, because they were where people came together and socialised, talked and helped to recover, and it is hard to gather at those facilities when they are not there. There was obviously a great need to have a number of these facilities rebuilt and a lot of that fell to the federal government—it fell to all levels of government, but a significant portion of that fell to the federal government.

As recently as the last couple of weeks we have had significant announcements relating to the Sarsfield and Ensay recreation reserves and facilities—in those towns they are hubs where people gather—being federally funded. We had nearly \$10 million in federal government money given to the upgrade of the Bairnsdale airport. The stimulus for that was twofold. The first one being that over the fire period, which lasted for fairly much six weeks of very significant firefighting in my region, it was problematic to get strike crews in and out of the region and the airport never had the capacity to land planes of any great size that could bring numbers of fire crews in and out. It was then put on the radar that the airport needed to be upgraded from an emergency services perspective. In line with that, maybe the additional benefit down the track is that now that airport can cater for planes with greater carrying capacity, and it might also open up the possibility of passenger air services in and out of Bairnsdale. That upgrade of \$9.9 million, which is very significant, is fully federal government funded.

People will know that Mallacoota did it pretty tough during that period, and a number of projects have been funded in Mallacoota. I will not get to them all here off the top of my head, but these are little projects in towns. I have spoken about facilities that bring people together such as the Mallacoota Inlet Bowling Club and the Mallacoota Golf Club, which have received federal government funding to rebuild and recover. The mudbrick pavilion in the middle of the town is a hub largely for the arts community in Mallacoota, which is significant. It has been in bad need of an upgrade for a long, long period of time and has been federally funded again. These are all just in the electorate of Gippsland East post fires, where the federal government has provided exceptionally high levels of support.

One of the other big issues in Mallacoota was emergency services, ironically after the fires, and the need to have upgraded facilities to meet the needs of that community. There was a shortfall in funding—some funding was provided by the state—but now we have been lucky to get funding to finish that project of that combined emergency services hub within Mallacoota. But Mallacoota was not the only area that was hit of course; the fire damage was significant right across the entire region.

Upgrades—federal government money was announced just this year, in 2022, to upgrade the Omeo Golf Club and provide new Omeo netball facilities. People from country communities know that those sporting clubs and those sporting groups and the gatherings that go on around those facilities and within those clubs are often the best therapy you can get to recover from the experience that many of our communities have endured. So they are critically important facilities.

The Gippsland Agricultural Group is now going to build a terrific centre at the Bairnsdale airport site. The agricultural group has been doing a lot of work in recent years around testing crops for warmer weather conditions—seeing what grows, seeing what does not. They delve into a range of areas around productivity and fodder for stock, and their little lots where they do these test growings are very significant. But this facility that they have now been funded for with the federal government money will allow them to bring in groups, to run forums, to run sessions—to basically have a base there where they can take that whole new project to the next level.

At Raymond Island we have got works for the halls. Swifts Creek hall is an important one. Community halls in country towns remain very significant places of gathering. These were all federally funded, so it is a surprise to me to stand here today and see a motion that relates to a lack of support from the federal government, if you like, in relation to Victorians getting their fair share, because that certainly has not been the case in my electorate.

Another issue that I will raise is men's sheds. What a great initiative men's sheds are to our country communities. The recent round of federal government support to my region, again only just a matter of months ago, has funded two men's sheds. I will give an example of one. Twin Rivers had no men's shed at all and a growing community. Twin Rivers takes in the area, for those that are familiar with my region, of the Tambo and Nicholson rivers region between Bairnsdale and Lakes Entrance. It is a growing little community. It is actually the community where I live. Maybe in the years to come I might be the beneficiary of turning up at this men's shed. But there are no better initiatives to, I guess, bring people together: to chat, to socialise, to get their social contacts going and their mental health better. There is nothing better to address those issues than to communicate with those around you and your friends network, and it is these facilities that bring people together. So two men's sheds is just another project that we are working on out of this federal money to bring together these communities that do not have one.

One of the programs that missed out, and I will mention this here, is the significant upgrade to the Buchan Recreation Reserve. My federal colleague Darren Chester and I have met with that community. We know the importance of this project, and I am optimistic that it will receive a level of support at some stage in the future. Buchan was one of those towns that was exceptionally hard hit. The fire basically enveloped the entire town, and the recreation reserve and those facilities there became somewhat of a hub for those who had to evacuate their homes. It is a community that is certainly expecting a level of support. Of course these federal government grant streams are often highly oversubscribed. My federal colleague Darren Chester has been working very hard, and we have had some terrific outcomes through his advocacy, but there is more to do, and Buchan is one of those that we are very, very hopeful of securing into the future.

But the point that I want to make is that right across the length and breadth of the East Gippsland electorate we have had massive, massive federal government investment into rebuilding these communities and into rebuilding the facilities in these communities that will bring these people back together, that will put the necessary upgrades in place to meet the demands of the future—not only in relation to recreation but also in relation to community safety around fires. We are now building centres that will be better prepared for people to be able to stay in in an emergency situation—have a shower, have a meal cooked for them—and to have the support networks and agencies come into these facilities to cater for those in need in times of emergency.

In relation to this motion, the federal government has done an extraordinary job in supporting the state electorate of Gippsland East with high levels of money, and I am sure that that will continue into the future. But it is for that reason that I disagree with this motion and find it very difficult, because it has not been the case in my patch.

**Ms COUZENS (Geelong) (12:51):** I am pleased to rise to contribute to this take-note motion, because what it does is give me an opportunity to say what many in my community are thinking about this federal budget and to raise many of the issues that they have raised with me. I want to mention some of those because I think this is really relevant, and many regional communities around Victoria will be thinking exactly the same thing.

There are major concerns discussed over the cuts to arts. We know the arts were one of the biggest sectors hit by the COVID pandemic, and yet in this budget there is no new funding for any of the arts, which is an absolute disgrace. I know in my community and, as I said, around other regions there has been a real reliance on government funding, both from the federal government and from the state government, and I know we have contributed an enormous amount of money to the arts in my community. There has been that funding through the Regional Industry Sector Employment program, which many in my community also received, but the last of that has been distributed, and my understanding is that there is not going to be any further funding in that area. So in the arts in my community and right across Victoria they are quite disgusted at the decisions that have been made.

I also heard a great deal of nothing of note on climate change. It is one of the biggest issues facing this country and there is not any real commitment to dealing with climate change. Particularly for young people, who I heard mostly from over the last week or so, there are major concerns that there has been no listening to what they are saying—but not only that—or to what the experts are saying on the crisis that we are facing. It is this state government, the Andrews government, that is leading the way in this country on climate change and making sure that we are dealing with the issues of this crisis, but from the federal government there is absolutely nothing. There is great concern about that.

The cost of living is another one that was raised with me many times over the last week or so, and people are really doing it tough. It is all very well for the Morrison government to come out and say, ‘We are focusing on the costs of living for people’, but it is almost nothing when you think about people getting \$250—that is barely a quarter of some of their power bills. They cannot see how that is going to help them in any way, so there are major concerns about that. The growth in wages—or the no growth in wages, I should say—is impacting on so many people, not only in my community but right across this state. It is really concerning for those people to think that nothing is going to change for them and in fact it is only going to get worse. If you add on top of that the cost of petrol, it is really significant for them.

There are the cuts and the impacts on social and community services—such valuable services that we rely on in our communities. I know on this side of the house we work very closely with them. From the Andrews government’s perspective, we fund them to deliver many of those services, but so does the federal government. That is their responsibility, and they are not stepping up in relation to the vital community services that we have in our communities and rely heavily on, particularly with the cost-of-living issues that we are facing.

I am really proud of our Big Housing Build, the \$5 billion commitment in Victoria. Just imagine what it would have been like if the federal government had matched that. How many people would we have been able to house—

**Mr Edbrooke:** We wouldn’t have an issue.

**Ms COUZENS:** That is right; we would not have an issue. The member for Frankston raises a really valid point, because that could have dealt with so many of the housing issues that we have in this state. And it is not just Victoria that is dealing with a housing crisis, it is right across the country. My thoughts go out to those people in New South Wales and Queensland who have lost their homes through the flood crisis they are experiencing, but that is going to add more and more pressure on all states across this country. Housing is such a big issue, and for the Morrison government to talk about home ownership programs—I get that that is significant, but it is not going to address the housing issues for people that cannot afford to buy a home. It is just not realistic for many in our community. I talk to people every single day about housing issues, and what the Morrison government has come up with is not going to meet their needs for housing at all. They cannot afford to buy a house. Even if they had a no-deposit opportunity, they still cannot afford home ownership. There are so many issues relating to housing, and I think public housing and social housing should be where our investment is. I am really pleased that the federal Labor opposition have committed to increasing those housing opportunities if they have the privilege of winning the election when it is called.

The other big one that people have raised with me is the aged care crisis. What has been done in terms of the recommendations of the Royal Commission into Aged Care Quality and Safety? Very little. The Morrison government keep saying they are pouring money into it, but the royal commission recommendations are really clear about what needs to happen in terms of aged care and ensuring that people are getting appropriate, safe care, not some of the horrific stories that we have heard about aged care through the royal commission. The Morrison government has got a lot to answer for in terms of that royal commission, and I think it has gone on for a couple of years. We need immediate action on aged care, and I am really pleased that the federal Labor opposition have committed to that as well.

And of course there is no ICAC. For them to be able to do whatever they like and get away with it—the fact that they think that that is okay is really disturbing. And a lot of people in my electorate—even conservative voters—are concerned about the attitude towards an ICAC.

**Mr Edbrooke:** Another broken promise.

**Ms COUZENS:** It is another broken promise—they have not kept up with what they committed to do at the last election. There is also Closing the Gap funding. The Aboriginal communities across this country are outraged. There was a new Closing the Gap agreement signed off last year and there was to be significant funding contributed to that. Aboriginal community leaders across this country are outraged by the lack of commitment to closing the gap. These are issues that are absolutely shameful; the federal government should not be able to get away with that. They have expressed great disappointment and asked if we will ever close the gap under these circumstances.

It is interesting that those opposite in their contributions cannot bring themselves to stand up for Victoria. There have been contributions from those opposite that talk about what the Morrison government has done in the past, but can they give us something that is committed to in this budget? That is what this motion is about—it is about the budget that was handed down last week. The member for Murray Plains made the claim in his contribution yesterday that Victoria's infrastructure business cases are no good and that is why we did not get any money, which I do not believe. But at least we have them, because there are other infrastructure projects that have been funded in other parts of the country that have no business cases. They need to be a bit careful about what they are saying here. We have a federal Treasurer who is a Victorian but clearly does not have any commitment to Victoria. I mean, they have deliberately ignored Victoria. The Morrison government should be hanging their head in shame. And what did the opposition leader do? He welcomed this federal budget with open arms. What a pathetic display of party politics. Instead of standing up for Victoria, he has openly said what a great federal budget it is. We have Bev McArthur from the other place who was happy for us to lose GST funding; she is quoted in the media saying that. We need to be calling them to account on what they are saying.

**Sitting suspended 1.01 pm until 2.01 pm.**

**Business interrupted under standing orders.**

### Questions without notice and ministers statements

#### AMBULANCE SERVICES

**Mr GUY** (Bulleen—Leader of the Opposition) (14:01): My question is to the Minister for Ambulance Services. Jodie from Melbourne's west fell down the steps in her home and broke both her tibia and fibula. She was in excruciating pain. Her husband dialled 000 and after an initial delay finally got through to request an ambulance. Dispatchers could not tell Jodie's husband when an ambulance would arrive, leaving Jodie to lie in agony as her husband called 000 multiple times, trying to find out when the ambulance would arrive. Over 5 hours later, at 2.30 in the morning, the ambulance did finally come. The government has been critical of Victorians who repeatedly dial 000, so I ask: what is the government's policy for Victorians to do in situations like this?

**Mr FOLEY** (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:02): Can I thank the Leader of the Opposition for his question. Throughout the course of this week we have seen a theme to the Leader of the Opposition's and his compatriots' questions around catastrophising things that simply are not true. There is a pattern now emerging from the honourable Leader of the Opposition. They make stuff up on a regular basis. I have no doubt that there was—

**Ms Staley:** On a point of order, Speaker, the minister is debating the question, and I ask you to bring him back to answering it.

**Ms Allan:** On the point of order, Speaker, the Leader of the Opposition, in asking the question, made a claim that was inaccurate that the minister is entirely entitled to refute and respond to. That is entirely within the standing orders. The Manager of Opposition Business might not like that, but the minister should be allowed to continue to correct the false accusation from the Leader of the Opposition.

**The SPEAKER:** I remind the minister that it is not in order to attack the opposition, but it is indeed appropriate, if the minister wishes to, to reject the premise of a question.

**Mr FOLEY:** Thank you. If I am correct in my interpretation of what the honourable Leader of the Opposition's question contained, he asserted straight up and blatantly incorrectly that this government calls on people not to call 000 and, more than that, that we are critical of people who do so. That is simply incorrect, and it follows a series of deliberate incorrect statements that those opposite have been making in recent days.

**Ms Staley:** On a point of order, Speaker, the minister has now asserted 'deliberate incorrect statements'. That is very much the form of the house you are not meant to use, and I ask you not to have him verbal—

*Members interjecting.*

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

**Ms Staley:** I would ask you to counsel the minister on his language.

**The SPEAKER:** Order! I do not uphold the point of order. I remind the minister, though, not to reflect on other members of the chamber.

**Mr FOLEY:** Absolutely, thank you for that guidance. But what we do know is that we are happy to respond to statements that are based on fact, and what we continually see from those opposite is that their stuff is not based on fact. We have never made the criticism that the honourable Leader of the Opposition asserts.

**Mr Andrews:** Never. Nor would we.

**Mr FOLEY:** Indeed nor would we, because we know that Victorians rely on the fantastic service delivered by our paramedics. We know that from the period of time from 2015 to 2019, when we rebuilt our paramedic and ambulance services immediately before the global pandemic, our ambulance services had the best performance time responses when it came to code 1 emergencies in their history. Then along came a one-in-100-year global pandemic that smashed the arrangements in our health services and in our ambulance services right across the country. We now know that that has seen over the last few months, indeed the last few years, a combination of huge demand coming through at the same time as currently some 1800 people in our health services being furloughed. So on the one hand we have huge demand; on the other hand we have infection prevention and control measures and furloughing of staff that make the delivery of that critical service so challenging. Yet our paramedics deliver day in, day out.

What we will do, whether it is through the recruitment of 700 extra paramedics last year—a record recruitment year for that organisation—or whether it is through the investment of \$247 million in the service from last year's budget, with further investment scheduled this year, is we will rebuild that service and we will rebuild the performance of Ambulance Victoria.

**Mr GUY (Bulleen—Leader of the Opposition) (14:07):** Jodie is traumatised by her experience. She is not a liar. She said:

In our time of need, it became acutely obvious nobody cared enough and this is a shocking realisation. Nobody cared enough—

*Members interjecting.*

**The SPEAKER:** Order! When the house comes to order. I feel like it is actually not necessary to do this warning every question time, but members who shout across the chamber will be out without further warning. That goes for every question time from here on because I have to make that warning every question time.

**Mr GUY:** Jodie is traumatised by her experience. She is not a liar. She said:

In our time of need, it became acutely obvious nobody cared enough and this is a shocking realisation. Nobody cared enough to ensure the ambulance service in this state was adequately equipped, staffed 24 hours a day, every day of the year. We deserve better, my family deserved better, I deserved better.

Her words, not mine. With 11 ambulances this morning ramped at the Werribee Mercy Hospital, what does the minister have to say to Jodie, a western Melbourne resident who deserves so much better than the ambulance crisis he has failed to fix?

**Mr FOLEY** (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:08): Can I thank the Leader of the Opposition for his supplementary question, and yet again just respectfully suggest to the honourable Leader of the Opposition that nobody on this side of the house suggested Jodie was lying. Nobody on this side of the house has presented information in a deliberately mischievous and incorrect way. No-one on this side of the house has played politics with people's genuine suffering. No-one on this side of the house has cut ambulance funding. No-one on this side of the house has waged war with our paramedics, and no-one on this side of the house has run down the contribution of our paramedics and our healthcare professionals over the course of the last two years of unbelievable and unprecedented demand, stress and trauma on those services. My message to all Victorians is that what we have seen over the last two years is an unprecedented level of demand and pressure, which this government will fix.

#### MINISTERS STATEMENTS: HEALTH SERVICES

**Mr ANDREWS** (Mulgrave—Premier) (14:09): I am pleased today to rise to extend gratitude—at least on behalf of everybody who is a member of the government—to each and every member of our health workforce: our nurses, our ambulance paramedics, our doctors, our allied health professionals and everyone who is part of the team. Health care is delivered by people. Budgets are very important of course, and equipment is important, but nothing is more important than our staff. Everyone from car park attendants, cooks, cleaners, ward clerks, orderlies as well as all of our clinical team—they all do amazing work. The last two years have been two years like no other. And despite everything that has been thrown at them, the great challenges they have had to face, the complexity and just the sheer workload, they have done all of us proud. We have been proud to stand with them, not critical of them, not playing politics with them, not criticising them every single day, but instead working with them, supporting them with the resources they need, the support they need and the acknowledgement that they are absolutely entitled to. That gratitude is real.

But it is not just words, it is also things like the hospital surge support allowance paid by our government to those who provided clinical care to those who needed COVID care, things like record investments in PPE as well as other pandemic-related equipment and things like billions of dollars in additional funding provided at a moment's notice to buttress the system to support our teams to deal with unprecedented demand—all the BAU, all the usual pressure that is there every day, plus what the pandemic has thrown at our teams of health professionals. When it comes to this government, we will continue to invest in our health system. We will continue to back our health teams—all of them, every single one of them—not be critical of them, and we certainly will not be cutting the resources that are so important to their important work.

#### HEALTH SERVICES

**Mr WALSH** (Murray Plains) (14:11): My question is to the Minister for Health. Jade is a 20-year-old who has Crohn's disease and history of bowel obstruction. Jade presented to the Sale emergency department a few days ago with severe abdominal pain. Overworked hospital staff advised that there

were no beds and there was not anywhere she could sit, so she had to lie on the ground wrapped in a blanket given to her by a paramedic until she was able to be seen. Jade lay on the ground for an hour and a half in excruciating pain. Minister, how has Victoria's health system deteriorated so badly under this government that a patient has to resort to lying on a concrete floor in excruciating pain because there are no beds, no chairs and no trolleys for them?

**Mr FOLEY** (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:12): Can I thank the Leader of The Nationals for his question. I am not familiar with the specifics of the patient that the honourable Leader of The Nationals references, but what I do know is that, particularly when it comes to the public health system in the valley more generally, this is a government that has invested in those services like no other, and it certainly has not privatised one of the key hospitals in that area. But what we do know—

**Mr Walsh:** On a point of order, Speaker, Sale is not in the Latrobe Valley. I would ask you to bring the minister back to answering the question.

**The SPEAKER:** Order! I do not uphold the point of order.

**Mr FOLEY:** I know where the hospital that those opposite privatised was—

**Mr Andrews:** When they chunked the keys back to us.

**Mr FOLEY:** and I know which government has supported it when the keys were thrown back. Whether it is in Mildura or whether it is in the Latrobe Valley or whether it is anywhere else, there is one side of this house that funds public health—

*Members interjecting.*

**Mr FOLEY:** There is one side of this house that—

**The SPEAKER:** Order! I ask the minister to pause. The member for Polwarth can leave the chamber for the period of 1 hour.

**Member for Polwarth withdrew from chamber.**

**Mr FOLEY:** But what we do know is that as a result of the global pandemic we have seen a partnership arrangement apply across particularly our regional hospitals, who have come together in ways like never before. So to assert that the people of East Gippsland have no relationship with Latrobe Regional Hospital is simply wrong and is not an accurate reflection of reality. In regard to a whole range of services, we know that this is a government that has funded those services like no other. At the same time we know that the last two years have seen levels of demand on those services like no other. We have seen—

**Mr Walsh:** On the issue of relevance, Speaker, the question was very clearly about how the health system has deteriorated so badly under this minister's watch. I would ask you to actually bring the minister back to answering that question, particularly when it comes to the lack of support that Jade got when she attended the emergency department—in Sale.

**The SPEAKER:** Order! As the Leader of The Nationals has just highlighted, the question—

*Members interjecting.*

**The SPEAKER:** The member for Rowville can leave the chamber for 1 hour.

**Member for Rowville withdrew from chamber.**

**The SPEAKER:** I am not going to have members shouting over me when I am trying to rule. The minister is being relevant to the broad question that was asked.

**Mr FOLEY:** We all appreciate that the Sale emergency department is in Sale.

**Mr Andrews:** Yes. It is not for sale.

**Mr FOLEY:** And certainly it is not for sale under this government—I have got to acknowledge copyright. But what we do know is it is a very serious issue, that particularly people in our regions need access to emergency services and emergency department services when they need them. We also have to recognise that over the course of this period of time, particularly over the last few weeks and months, we have seen a combination of a roaring back of demand to unprecedented levels, and we have equally seen a roaring increase in the number of people furloughed. We are averaging around 2000 people being furloughed out of our healthcare system every day at the moment. That is 2000 people on top of an already overstretched and overdemanded workforce that has gone out of its way over the last two years to support its local communities getting through this crisis. But it is also why this government funded \$1.4 billion in rolling out extra support for those very services right across the state in January, and that process is getting through our system. As we get on top of this variant, we will get on top of the very issues that the honourable member has brought to our attention.

**Mr WALSH** (Murray Plains) (14:17): Jade was not seen or offered any pain relief for an hour and a half because the emergency department was so busy. Victoria's hardworking nurses and paramedics are doing all they can to support patients like Jade, yet they too feel helpless. Emergency departments across Victoria, particularly across country Victoria, are experiencing cases like this. Does the minister take responsibility for the crisis in the Victorian health system?

**Mr FOLEY** (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:17): Can I thank the Leader of The Nationals for his supplementary question. We recognise the extraordinarily fantastic, difficult job that our emergency department nurses, clinicians, support staff, allied health professionals do all the time, but particularly over the last two years. That is why we are investing record amounts of support to get them through this crisis. But it would be wrong to pretend that we are not seeing on average 2000 people out of that system day in, day out, seven days a week, 24 hours a day. They are under pressure like never before, and what this government will do is take responsibility for partnering with them, for funding them, for not flogging them off and for supporting them every step of the way. Just like we did in 2015 to 2019, when we rebuilt the system, we will in the face of this one-in-100-year global pandemic rebuild this system again.

#### MINISTERS STATEMENTS: TAFE FUNDING

**Mr MERLINO** (Monbulk—Minister for Education, Minister for Mental Health) (14:18): I rise to update the house on how the Andrews government is investing in the education of our healthcare workforce. The government has always placed a high priority on delivering quality training and skills for those who want a career in health and medicine. It is one of the reasons that we made TAFE free for 100 courses. Free TAFE has enabled over 10 000 students to study their diploma of nursing since the commencement of free TAFE in 2019, saving students over \$65 million. Furthermore, the diploma of nursing is the most popular course in regional Victoria. That is why this government is investing in building state-of-the-art nursing labs at Australian Catholic University in Ballarat, Gippsland TAFE in Morwell and GOTAFE in Seymour.

Another TAFE people can study a diploma of nursing at is Box Hill's Lilydale Lakeside campus. Do we all remember that campus, the same campus which was closed by those opposite—thousands of students kicked out, 290 staff without jobs, victims of a \$290 million cut from their TAFE budget—but reopened by the Andrews government? It is a promise made and a promise kept. Now it is a flourishing campus, which has reinvigorated the higher education sector in the Yarra Valley and the Dandenongs—not cutting and closing like those opposite, but opening and investing. While we are investing in the pipeline of our healthcare workforce, the Morrison government is imposing a \$1.5 billion cut on Victoria's healthcare system at the very worst time for our healthcare workforce. You will never hear any criticism from those opposite—silence from those opposite. Only Labor will invest in TAFE and our healthcare system.



### AMBULANCE SERVICES

**Mr GUY** (Bulleen—Leader of the Opposition) (14:20): My question is to the Minister for Health. Nadia from Clyde North has an 18-month-old son, who on 19 March had breathing difficulties. She followed the advice of the government and at first contacted Nurse-on-Call. Their advice was to take him to the Casey Hospital. On arrival the wait time was extensive. Nadia was sent home to monitor her son. A short time later he deteriorated, and she called 000. The operator said her son was not turning blue so they had to end the call and take others, telling her someone would contact them back. On the return call Nadia was told there were simply no ambulances available, and they offered to call a taxi for her. Can the minister explain how we have come to this in Victoria, where the government cannot provide ambulances for a child suffering serious breathing difficulties and instead the other option given up is a taxi?

**Mr FOLEY** (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:21): Can I thank the Leader of the Opposition for his question. I am not familiar with the particular circumstances of the case that he refers to, and of course should he provide the details of that to me and my department I am sure we would follow up the particular arrangements of that case and engage as we always do with those people who have challenging circumstances with our healthcare services and the particular issues relating to how their circumstances have transpired.

But I can comment on the broader issue around how this is a government that is working with and partnering with and funding to record levels those very services that the honourable Leader of the Opposition has drawn attention to. When it comes to the issues around the triaging of any set of circumstances that comes before our emergency services, these decisions are made by trained professionals and clinicians with background in that regard. In regard to the particular circumstances of how people are transferred to support services they are seeking, that is again a decision made based on the operational circumstances that people find at hand and the available fleet that might be around. In regard to the particular circumstances of how people get to those services, those arrangements are always made on clinical decisions. Those arrangements are made in the best of faith by those professionals, and I back them in 100 per cent.

In terms of the specific circumstances that the honourable Leader of the Opposition raises, like I indicated, I am more than happy to follow those up, but what we have seen is a long history of how people have been transported in various different ways to services for many, many years now. Those decisions—whether people are encouraged to get there under their own steam if they are ambulatory or if they can get there through other arrangements through family or friends or if they can get there through other vehicular means or if they require a lights-and-sirens ambulance—across the range of options there is nothing new in those arrangements. What we want to make sure of is that under these unprecedented circumstances of unprecedented levels of demand, those appropriate triaging decisions are made by the clinical professionals that this side of the house backs and that this side of the house is funding in record levels. I undertake, as I did at the start, should the Leader of the Opposition wish to forward me those details, to make sure that Ambulance Victoria engage with that particular patient.

**Mr GUY** (Bulleen—Leader of the Opposition) (14:24): Nadia arrived at the Casey Hospital by car with her son, where they were triaged and admitted. Her son continued to deteriorate, and he turned grey due to lack of oxygen. He was placed on oxygen and required feeding tubes and other treatment due to those initial delays. I ask the minister: how many more Victorian children's lives will be placed at risk until the minister finally acknowledges that the health system is facing a crisis?

**Mr FOLEY** (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:25): Can I thank the Leader of the Opposition for his supplementary question. I would refer the honourable member to multiple questions that I have answered and multiple statements that I have made in this and other forums where we have acknowledged there is a crisis. There is a crisis called a global pandemic. There is a crisis called a one-in-100-year set of events that has placed unprecedented levels of demand on our services.

We have a choice in this place. We have a choice in our public comments. We have a choice in how we go about choosing either to back those professionals or to demonise them, run them down and attack them every step of the way. On this side of the house we make the choice that we will fund those services, we will rebuild those services and we will make sure that in the genuine crisis which is still playing out today, which is seeing on average 2000 people furloughed out of that system every day of the week, we will work with that service and rebuild it to the standards that we saw pre pandemic.

#### **MINISTERS STATEMENTS: RURAL AND REGIONAL TELEHEALTH SERVICES**

**Ms ALLAN** (Bendigo East—Leader of the House, Minister for Transport Infrastructure, Minister for the Suburban Rail Loop) (14:26): I rise today, representing the Minister for Regional Development in the chamber, to provide an update on this government's commitment to telehealth services in regional and rural Victoria. The Andrews Labor government invests in education, health and transport services for regional communities, and that is why it is making the necessary investments in telehealth that regional communities need right now. We are doing this to sustain the high rates of telehealth we have seen experienced by communities as a consequence of the pandemic. For example, we are providing early telehealth access to connect those in the Wimmera Southern Mallee to the Royal Children's Hospital in Melbourne and providing the Wathaurong community in the Geelong region with funding to provide telehealth sessions for Aboriginal kids. We understand clearly the benefit of providing these telehealth services, and indeed we have expanded these telehealth services through investments that we have made through this COVID period as well as delivering mental health telehealth services for nurses, midwives and students of nursing and midwifery, for those who need them the most. We will be supporting patients and healthcare professionals to make these investments we need because we understand that the healthcare system in regional communities needs investments, not cuts.

Let me tell you about a very different approach being taken by the federal Liberal-National government. Consider this: they have removed more than 100 telehealth items from the Medicare benefits schedule; they have cut the loading provided for telehealth psychiatric services that were a lifeline for those in regional Victoria; telehealth psychiatric consultations that last for more than 45 minutes have been scrapped but—can you believe this—they have also made heavy cuts to telehealth appointments used by cancer patients in regional Victoria. This is what happens when you cut health care, and this is what leads to deterioration of regional and rural health services. And it is being cheered on every step of the way by those opposite, who are showing they are Liberals first, Victorians second.

#### **CORIO BAY GAS IMPORT TERMINAL**

**Dr READ** (Brunswick) (14:28): My question is for the Minister for Energy, Environment and Climate Change. In the wake of the extraordinary floods in New South Wales the IPCC has just handed down a report calling for drastic reductions in fossil fuel use this decade. Why is the Labor government allowing a new gas import terminal to be considered for Geelong when there is good evidence that we can and must reduce gas consumption?

**Ms D'AMBROSIO** (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (14:29): I thank the member for Brunswick for his question. There is an overlap there with the Minister for Planning's responsibility, but I have got that role here today too, so I am very happy to take that and of course as the minister for energy. We understand on this side of the house what it takes to make a real impact in terms of climate change. We not only have a plan to achieve net zero emissions by 2050, but importantly we have five-yearly targets that give a strong signal of the government's own leadership in tangibly delivering on emissions reductions for 2025 and for 2030. Right now, for the purposes of the member for Brunswick's information, there is an expert panel that has been appointed by me to inquire into recommendations for what potentially the 2035 target should be. So we are not wasting any time here. We understand that some prefer to comment and be commentators rather than political activists who actually present solutions and get

things done. But I can tell you and I can assure you that without Victoria's leadership the rest of this country would not be in any position to actually deliver the results that we are seeing being claimed by others. We have a target of halving our emissions by 2030, and we will achieve that.

Whilst we do that, we are creating tens of thousands of jobs in the new economy—the new economy that every Victorian can have a stake in. Whether it is about helping them to put solar panels on their roofs right across our state, whether it is about putting batteries in their homes and indeed helping businesses to do the same thing or indeed running huge Victorian renewable energy target auctions that get those big projects coming here, it means that in Victoria, as a recent analysis showed, we are leading the country in terms of creating jobs—jobs right here in Victoria, tangible jobs that are meaningful to Victorians.

The next phase of course is offshore wind, because we know that Victoria will lead the way in this new sector, creating the thousands of jobs, the meaningful, just transition—not just transition, it is meaningful work. This will happen. We have got the targets for offshore wind.

Gas of course is one of the features that needs solutions. No-one has suggested at any point that gas and the decarbonisation of gas do not need a solution. Absolutely, but these things do not happen in isolation. You do not discount all the heavy lifting that we have done thus far because those opposite want to focus on one particular project that in effect is really just words and not action.

**Dr READ** (Brunswick) (14:32): Two days ago the Secretary-General of the United Nations said that investing in new fossil fuel infrastructure is 'moral and economic madness'. We have not yet heard the minister refer to the gas terminal that I asked about. Why is Labor even considering this project rather than stopping it from the outset?

**Ms D'AMBROSIO** (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (14:32): I thank the member for the supplementary question. These proposals have processes. They are independent processes. They will be considered in the usual way on their merits but be in no doubt that without Labor in government nothing would have been done. Words are cheap, posturing is cheap. An accusation of immorality somehow on this side of the house when we are actually delivering the fastest reduction in carbon emissions of any jurisdiction in this country, the fastest here in Victoria—I am sorry, I absolutely reject that assertion, I absolutely reject that accusation. Victorians can be very proud of the record that we are producing: creating the jobs, reducing emissions significantly—and we have only just begun to do that. There will be more to come. I can assure the member for Brunswick that is exactly what we will do.

#### MINISTERS STATEMENTS: COVID-19 TESTING

**Mr CARBINES** (Ivanhoe—Minister for Child Protection and Family Services, Minister for Disability, Ageing and Carers) (14:33): I rise to update the house on the actions that the Andrews Labor government is taking to keep Victorians with disabilities safe during the pandemic while the federal government of course cuts COVID health funding. Today our government is announcing free rapid antigen tests for at least the next three months to eligible people with disabilities, particularly in the lead-up to winter. It is a \$12 million initiative that is going to give peace of mind to people with disabilities and their families and the medical care that they need, without the financial burden, to support them to live safely. NDIS clients, disability support pensioners—and we know what pensioners think of the Prime Minister this week—will be able to access those and collect those free RATs from current testing sites and through our network of disability liaison officers. Two million free RATs are going to be available under this initiative. It is a really important program for those with disabilities and their families. There are over 1.1 million people in Victoria who identify as having a disability. That is a lot of families let down by those in Canberra. We know the Morrison government is cutting NDIS plans. They are sitting on money that should be spent on the 133 000 Victorians who are NDIS clients, a fund that we also contribute to here in Victoria. We also know that that \$1.5 billion in cuts to COVID health care that were announced in the Morrison budget just this week continues to undermine Victorians. We know in particular that for those with disabilities the COVID pandemic

does not discriminate, and it comes down most harshly on those who are vulnerable in our community. That is why this \$12 million initiative for free RATs, up to 2 million RATs that we are making available for people with disabilities, is going to provide great comfort and support to them. As the Victorian Australian of the Year Dylan Alcott said:

... one of my priorities is making sure that people with disability can access as many RATs as they, their support workers, carers, and family need.

It is exactly what the Andrews Labor government is doing with this initiative.

### HEALTH SERVICES

**Ms STALEY** (Ripon) (14:35): My question is to the Minister for Health. Carly is a mother of three. In 2015 Carly had basal cell cancer removed from her left temple, and in 2019 she had it removed again. A biopsy showed that the cancer had infiltrated nerves in the area, and last November she was provided with a referral and appointment for 11 February this year. When Carly rang the hospital to confirm her appointment she was told it would be held via conference call. This call never eventuated, and Carly was told that she was on a planned call list. Why are Victorians being placed on planned call lists instead of getting the direct care they so desperately need?

**Mr FOLEY** (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:36): Can I thank the honourable member for her question. Whilst I am not familiar with the particular circumstances of the patient or the client that she refers to, should indeed she seek to share that information with me and my department I will of course undertake to have the particular circumstances of the case that she refers to investigated and, like we always do, engage with patients in the most professional and supportive way that we possibly can.

In regard to the more general principle, however, what I would highlight is that when it comes to our regional hospitals and services they are under huge stress, and despite the stress that the global pandemic has brought they continue to deliver outstanding services. They continue to deliver under huge pressure and workforce challenges the likes of which—with the lived experience of everyone in the system—no-one has seen before. That is why this particular government will work with those services to deliver the improvements that they seek.

In terms of the general principle that the honourable member refers to around a triaging process of clinical decisions that are made based on the circumstances that clinicians face, I am not familiar with particulars, but what I do know is that the general principle is the same right across the state. These decisions are made by clinicians. These decisions are made in a clinical manner that supports the best and most timely available options being provided.

If I understood the honourable member's question, it might well have related to a category 2 surgery arrangement, and what I know is that this government as of the week just gone has recognised the pressures in the system that we have seen over the last two years. Preceding those last two years, when it came to elective surgery numbers, we had got those down to record low arrangements. What we have seen over the course of the last two years is how a global pandemic has played havoc with that workforce, with the provision of those services. We have got the coming together of a set of circumstances where we now have unprecedented levels of demand, unprecedented levels of deferred care coming through the system, unprecedented levels of chronic conditions needing support and unprecedented levels of workforce absence as a result of the COVID-19 BA.2 subvariant and the furloughing of staff. In that set of circumstances the recent \$1.5 billion investment that this government has announced to tackle precisely those problems is the solution to the issues that the honourable member has referred to. It is the solution that will get us through this and rebuild the system yet again.

**Ms STALEY** (Ripon) (14:39): This month Carly received a letter from Northern Health rejecting her referral as incomplete due to not including the biopsy that Northern Health itself conducted in the first place. Carly has waited three years for surgery that is life saving. How many other Victorians

cannot even get to see a specialist online let alone in person to receive the vital surgery they require that would save their life?

**Mr FOLEY** (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:40): Can I take this opportunity to just say what an outstanding job Northern Health—all of our public health services have done extraordinary work, but Northern Health more than any other service was at the epicentre of this global pandemic over the two years. Whether it be through virtual emergency services, virtual emergency departments, partnering with community health, partnering with culturally and linguistically diverse communities, partnering with allied health and other professionals or partnering with pathology specialists, they have delivered, under the most challenging circumstances anywhere in this state, an outstanding set of achievements. I for one will not be saying anything that tears down the reputation or the standing of the hardworking professionals at Northern Health, and I want to give them a particular shout-out.

In regard to the specific issues that the honourable member raised, I did undertake that should she provide me those circumstances, I would be happy to follow them up. We will deal with this issue, and we will fix the crisis that COVID has delivered.

#### MINISTERS STATEMENTS: HEALTH SERVICES

**Mr ANDREWS** (Mulgrave—Premier) (14:41): As I was saying a few moments ago, we on this side of the house, we as members of this government, are proud of our health team, every single member, every hour of every shift in every part of our state. They have our support, they have record resources. They have the skills, the compassion and the government support they need to get the job done even in unprecedented circumstances. That is why just last Sunday, in a full acknowledgement that COVID has cancelled many thousands of surgeries, disrupted the care of many tens of thousands of patients, our government made a commitment of \$1.5 billion in additional funding to provide tens of thousands of additional surgeries—not a blitz, not some one-off, but an enduring reform to grow the total capacity of our surgery system, even to the point where rather than privatising health we are taking over a private hospital and turning it into a public elective surgery centre. If you go down to Frankston, you can see the Frankston public hospital. We are rebuilding that—there is around 500 million bucks there—and we are taking over the private hospital next door.

There is no question really: there is only one side of politics that is prepared to make the investments year on year for better patient care, for better outcomes, and to invest in and support our staff. This of course sits in stark contrast to last week's federal budget. We are putting \$1.5 billion in and they are taking \$1.5 billion out just in Victoria. And what do we hear? Do we hear any condemnation? Do we hear any word whatsoever? Oh, no—cheered on by their mates. Some say they care, but all they do is cut.

#### Constituency questions

#### MURRAY PLAINS ELECTORATE

**Mr WALSH** (Murray Plains) (14:43): (6316) My constituency question is to the Minister for Roads and Road Safety. What is the latest advice the Minister for Roads and Road Safety can give on plans to install a modern 40-kilometre flashing sign on the Murray Valley Highway at Gunbower? The highway through Gunbower carries an average of 3500 cars and 700 trucks per day. The town's speed limit is 60 kilometres an hour, with fold-out 40-kilometre signs that the school crossing attendant has to open and close each morning and afternoon. These signs were installed back in the 1970s, and repeated community requests to have them upgraded to modern flashing signs have gone unheard. I drive this road regularly, and travelling east in the morning sun the signs are very hard to see. On behalf of the children using this school crossing, I ask: will the minister please have VicRoads hear the concerns of the community and install flashing signs? It could save a life.

### BAYSWATER ELECTORATE

**Mr TAYLOR** (Bayswater) (14:44): (6317) My constituency question is to the Minister for Community Sport. I rise to ask: will the state government further support our athletics community locally in Knox and help fund the future upgrade of facilities at the Knox athletics track? Knox is the place to be when it comes to grassroots sport. It is a huge part of the beating heart of our city. Our athletics community and in particular the Knox Little Athletics community, based at the Knox aths track, is a big part of our sporting identity. It has been great getting down to the aths track recently. I know they have got plenty going on, including the upgrade of some of their facilities by council, which I was pleased to hear about as it is desperately needed. I would be keen to work with them on this and in any way I can as there is always more work to do.

There are some great local clubs at the Little Athletics centre. This includes the Boronia Bolters, the Dorset Demons, Eastfield Studfield and Wantirna, who call this venue home, as well as the masters and the Knox Athletics senior club. I know a bit of TLC down at the track would make a world of difference to those clubs and locals. I am proud of this government's work when it comes to supporting grassroots locally, and of course there is always more work to do. I am keen to see this government further support these critical future upgrades that benefit our community. I thank the minister for his consideration of the question.

### CROYDON ELECTORATE

**Mr HODGETT** (Croydon) (14:45): (6318) My constituency question is for the Attorney-General, and I would like to ask why the Service Victoria website is not permitting relevant and correct forms of identification to be uploaded when constituents apply for an NDIS worker screening check or working with children check. Recently my office was contacted by two constituents who are having issues with the Service Victoria website when uploading the required documentation to verify their identity. Both constituents have the correct forms to upload; however, the system rejected them as being an incorrect format. With these screening checks required for my constituents to start employment in the disability sector or to continue to volunteer at a local school, the failure of the website has created unnecessary stress and loss of income. One of my constituents had to print and post a physical application as she had been trying unsuccessfully since January this year to upload the required forms. She has also attempted to call the phone number numerous times only to receive a recorded message advising there was no-one available to take her call. She has still not had her NDIS worker screening check approved. I ask the Attorney-General to investigate the efficiency of the Service Victoria website and call centre.

### GEELONG ELECTORATE

**Ms COUZENS** (Geelong) (14:46): (6319) My constituency question is to the Minister for Community Sport. My question is: how can the Victorian government assist young people who want better access to community sports infrastructure in Geelong? As the member for Geelong it has been a real privilege to have discussion forums with a diverse range of young local residents to listen to their experiences. Importantly, the forums participation provided me with the opportunity to hear their views on where changes can be made to enable a fairer and more sustainable community for young people. One of the key themes was the provision of increased sporting and recreational facilities and outdoor activities. Many young people felt that there was a lack of sporting and recreational facilities in Geelong. This was even more of an issue during COVID-19 restrictions, with limited options during all-important outdoor exercise times. The clear feedback from forum participants in my community is that they would like to see more outdoor equipment placed in parks and public areas, with a particular emphasis on better access to basketball courts as it is a popular sport among young people regardless of their background or gender.

### EILDON ELECTORATE

**Ms McLEISH** (Eildon) (14:47): (6320) My question is to the Minister for Public Transport. Will the minister ensure Public Transport Victoria conducts an information session in the Murrindindi shire so that those impacted by the proposed changes to the Yarra Valley bus service can have their say in person? Route 684 stops at Narbethong, Marysville, Buxton, Taggerty, Acheron, Alexandra, Thornton and Eildon. Holding sessions only in Healesville and only during the day does not cut the mustard. The Black Spur was closed when one session was held, making it near impossible for people to attend. All sessions have been during working hours and are around an hour away for these communities. This is an important service that works well for small communities and stops at Eastland, St Vincent's Hospital and Southern Cross station. The elderly, those with a disability or mental health concerns and workers catch this line for safety, practicality, familiarity, comfort and the assistance drivers provide. Cancelling this direct service will severely impact this community.

### NARRE WARREN SOUTH ELECTORATE

**Mr MAAS** (Narre Warren South) (14:48): (6321) My constituency question is for the Minister for Multicultural Affairs and concerns the Supporting Access to Vaccination for Priority CALD Communities program. Minister, how will this program encourage and support COVID-19 vaccinations and boosters amongst my multicultural electorate of Narre Warren South? Throughout the pandemic it has been really important to ensure that everyone is provided with the best health advice and ways to keep safe. Vaccination is our main way of keeping COVID-19 under control and preventing hospitalisations and deaths. I would like to thank groups such as our local Le Mana Pasifika organisation for helping to connect our multicultural community to vaccination support and reliable information as well. I would appreciate any further information that the minister can provide on how the supporting access to vaccination for priority CALD communities program will benefit my constituents.

### FERNTREE GULLY ELECTORATE

**Mr WAKELING** (Ferntree Gully) (14:49): (6322) My question is for the Minister for Roads and Road Safety. Many residents across the City of Knox have raised concerns with me again about the state of the median strips on many of our major roads. They complain constantly about the fact that they are not maintained. They have lots of overgrown vegetation on them, making it very difficult for residents utilising our roads to turn right at intersections. Similar to the issues we have raised in this place about the Eastern Freeway, I am again forced to raise these issues about the work of VicRoads in my community. On behalf of residents across the City of Knox, I ask: when will VicRoads put in place a proper maintenance schedule for the maintenance of median strips to ensure that roads are properly maintained across the City of Knox.

### HAWTHORN ELECTORATE

**Mr KENNEDY** (Hawthorn) (14:50): (6323) My question is for the Minister for Prevention of Family Violence. How has the implementation of the recommendations of the Royal Commission into Family Violence impacted my electorate of Hawthorn? All of us in this chamber know of our government's firm commitment to implementing every single recommendation stemming from this royal commission. It was recently the sixth anniversary of the historic final report, and I think it is important to recognise the progress we have made but to always remember how we still have some way to go. In 2020–21, 93 440 family violence incidents were reported, while just 76 000 were reported in 2017–18. Whilst it is a positive development that more victims are reporting family violence, this increase shows the sheer magnitude and pervasiveness of this issue.

### BRIGHTON ELECTORATE

**Mr NEWBURY** (Brighton) (14:51): (6324) My constituency question is to the Minister for Roads and Road Safety, and I ask: will the state Labor government consider installing a pedestrian-operated signal crossing across The Esplanade near Were Street in Brighton? Green Point in Brighton is as iconic as it is loved. It is an informal place used by the community and a site of regular organised events.

## MOTIONS

1464

Legislative Assembly

Thursday, 7 April 2022

Brighton residents often pour across the arterial road to attend local occasions. Sadly, there is no safety infrastructure or crossing at this dangerous crossover. As Bayside council has written to me, currently there are no pedestrian crossing facilities along The Esplanade between Dendy Street and South Road. Council is supportive of a new pedestrian crossing at this location. The Esplanade is an arterial road under the care and management of the Department of Transport, or VicRoads, who have written:

DOT has assessed your request and support the installation of pedestrian operated signals in the location ...

It is time for Labor to stop ignoring the safety of the community in Brighton and deliver a crossing over this much-used site.

### ELTHAM ELECTORATE

**Ms WARD** (Eltham) (14:52): (6325) My constituency question is for the Minister for Community Sport. Minister, thank you for coming to visit my community recently and meeting with the fantastic Montmorency sporting clubs, including Montmorency Football Netball Club, Montmorency Cricket Club, Montmorency Junior Football Club and the Montmorency Tennis Club. These are great clubs, well connected to community, inclusive clubs who are experiencing strong growth and participation. Minister, what funding opportunities are there available that could support these terrific clubs?

### Motions

### FEDERAL BUDGET

**Debate resumed.**

**The SPEAKER:** There being no further speakers, the question is:

That the motion be agreed to.

**House divided on motion:**

*Ayes, 50*

Addison, Ms  
Allan, Ms  
Andrews, Mr  
Blandthorn, Ms  
Brayne, Mr  
Bull, Mr J  
Carbines, Mr  
Carroll, Mr  
Cheeseman, Mr  
Connolly, Ms  
Couzens, Ms  
Crugnale, Ms  
D'Ambrosio, Ms  
Dimopoulos, Mr  
Edbrooke, Mr  
Edwards, Ms  
Eren, Mr

Foley, Mr  
Fowles, Mr  
Fregon, Mr  
Green, Ms  
Halfpenny, Ms  
Hall, Ms  
Hennessy, Ms  
Hibbins, Mr  
Horne, Ms  
Hutchins, Ms  
Kennedy, Mr  
Kilkenny, Ms  
Maas, Mr  
McGhie, Mr  
McGuire, Mr  
Merlino, Mr  
Neville, Ms

Pakula, Mr  
Pallas, Mr  
Read, Dr  
Richards, Ms  
Sandell, Ms  
Scott, Mr  
Settle, Ms  
Sheed, Ms  
Spence, Ms  
Staikos, Mr  
Suleyman, Ms  
Tak, Mr  
Taylor, Mr  
Theophanous, Ms  
Ward, Ms  
Williams, Ms

*Noes, 23*

Angus, Mr  
Battin, Mr  
Blackwood, Mr  
Britnell, Ms  
Bull, Mr T  
Guy, Mr  
Hodgett, Mr  
McCurdy, Mr

McLeish, Ms  
Morris, Mr  
Newbury, Mr  
Northe, Mr  
O'Brien, Mr D  
O'Brien, Mr M  
Riordan, Mr  
Rowswell, Mr

Ryan, Ms  
Smith, Mr R  
Staley, Ms  
Vallence, Ms  
Wakeling, Mr  
Walsh, Mr  
Wells, Mr

**Motion agreed to.**



## Bills

**TRANSPORT LEGISLATION AMENDMENT (PORT REFORMS AND OTHER MATTERS) BILL 2022***Second reading***Debate resumed on motion of Ms HORNE:**

That this bill be now read a second time.

**Mr T BULL** (Gippsland East) (15:00): It is a pleasure to rise and talk on the Transport Legislation Amendment (Port Reforms and Other Matters) Bill 2022, which relates to port matters and other reforms. I will start off by saying that speakers before me on this bill have been over the main provisions of this legislation, and I would like to focus on a few specific areas. I note the member for South Barwon, when he spoke, related to the port of Geelong, and I would like to talk about the ports that fall under the jurisdiction of Gippsland Ports.

The first area I would like to have a discussion on is around clauses 62 to 64, which state that with the approval of the minister a local port manager may apply its resources and services outside its declared port areas on a commercial basis or provide assistance to other local port managers. Now, that is of great significance to Gippsland Ports because they have a dredge that dredges the lake's entrance, called the *Tommy Norton*. It is a hopper dredge that was introduced with significant investment over the past two governments, which has come to fruition. But at the moment that dredge can only operate at the entrance of the Gippsland Lakes and within that port area, and there is certainly a need around other areas of the state for that dredge to be utilised. That is beneficial because ports struggle in a number of areas to be appropriately supported by government funding, and if they can use their dredge to generate income from other areas of the state and potentially other departments, and potentially other jurisdictions also, that will assist Gippsland Ports with their bottom line. I am assuming that these clauses in the bill are primarily to address that issue; there may also be some other reasons. What we want to be able to see is, because it is a Gippsland Ports owned vessel, the financial benefits of doing that work outside the port actually coming back to Gippsland Ports.

One of the reasons that is important is ports have very important safety requirements to meet. Now, if you consider the expanse of the Gippsland Lakes, the expanse of Corner Inlet, the expanse of Mallacoota Inlet and those areas, there are important navigation marks that highlight a whole range of dangers for visiting boaters, and local boaters for that matter—navigation marks that keep people out of trouble. At the moment the only provision that you have to maintain those crucial safety navigation marks to the right level is for the ports authorities to put in a grant application and hope like hell that that grant application is approved to be able to do that important safety work. If you put in a grant application to upgrade the navigation aids to the level that is required and you are unsuccessful in that grant, you really need to subscribe to whatever religion you adhere to and pray that there will not be an accident in the meantime until the other grant stream comes around. So if Gippsland Ports can derive income out of the use of the *Tommy Norton*—named after the original tugboat at the entrance of the Gippsland Lakes, which unfortunately sank in 1877, so this is really the *Tommy Norton II*—to maintain and upgrade those important navigation aids, that would be particularly important.

Part 3 of this bill makes amendments to the Port Management Act 1995 to provide for the establishment of new towage and pilotage licensing schemes. Now, one of the provisions is that it provides power to ports to specify licence conditions that apply to licence-holders, but it sets the limit at five years for these pilot licences. It is not clear within that five-year window what the period is for renewal; that is not mentioned in the bill. For example, at what point in that five-year time frame can a pilot licence holder then apply for the next five-year length of tenure for security of their operations? Five years does not appear to be a particularly long time for a commercial right for such an important service.

I am sure that those pilot operators would want to see a bit more length in the tenure of security for their business purposes. Having a short length of tenure of five years can also put inflationary factors

into the cost of providing those services, because they have got to get a return within a much shorter period of time. So they would be seeking a bit more security, and you can anticipate that lenders who are backing these entities would like a longer tenure than five years for a bit more security. One of the outcomes that we will face from that, as I said, is potentially rising costs, and then that flows right back through the system of managing freight by sea, so that is a factor that we would like to have a look at.

Part 3, division 2 of the bill inserts a new part 4B into the Port Management Act to provide for the licensing of pilotage service providers to Victoria. Now, this is a welcome change, because we have, for instance, Corner Inlet as a port that could well be developed in the coming years. At Corner Inlet down there in South Gippsland we have got a number of projects going on offshore. The Star of the South wind farm is one; there are others that are, I guess, being considered and discussed at the moment that may come to development. That would then require potentially pilotage services to be brought into Corner Inlet. What we have at the current time is a pilotage service that is structured, I believe, around Port Phillip and Western Port predominately. There are none in Corner Inlet operating at the moment because there is no need, but this will potentially open up that new port market to new operators and maybe to local operators that would benefit and support the South Gippsland economy coming into play. So while they may look at expanding, this opens the way for these new entities to come into the marketplace.

I want to make a few comments before I finish in relation to harbourmasters and the governance changes around that. The review of ports governance recommended that some targeted reforms around operational performance of the state's harbourmasters be implemented to be consistent across the Victorian port structure. But what we need to ensure is that while we are applying consistent standards the length and breadth of the state there is a recognition that our ports authorities are very different structures. For instance, Gippsland Ports is very different to Melbourne ports. The government has already made mistakes in other areas, of having one-rule-fits-all across the board, and we do not want to see that happen here. For instance, Gippsland Ports is the only port manager that is required to engage and have a harbourmaster. Can they be guaranteed that there will be no unintended costs put on Gippsland Ports as a result of this change to have a statewide uniform set of plans? Will there be criteria put on that harbourmaster so that the conditions of employment will be made extraordinarily difficult and they will have trouble filling that position? These are the things that, when a bill like this is laid out on the ground, I would hope strong consideration have been given to, because there is nothing in the second-reading speech or the explanations or the commentary that has come from the other side to date to explain these matters. I understand a lot of the members who spoke on this do not have a port in their area so they would not be familiar with these issues. But these are the questions that we need answered.

Whatever requirements are imposed on harbourmasters, you must look at the character of the individual ports and the requirements of those individual ports. As I said, and I will say it again, the port of Geelong and the port of Melbourne are very, very different to Gippsland Ports—a very, very different structure. So while we are not opposing this bill, there are several areas where we do require further detail. Hopefully we can get that further detail as this bill progresses between the houses. These are some of the areas that we will be considering between chambers as to whether they need to be tweaked, but they are matters that I would hope that maybe even the government speakers who are yet to speak on this bill might be able to address and might be able to provide some more detail on, some of these issues. But if not, I would hope that they will be addressed when this bill enters the other place.

**Mr McGHIE** (Melton) (15:10): I rise today to contribute to the Transport Legislation Amendment (Port Reforms and Other Matters) Bill 2022. Melbourne ports are an important part of our economy, but they are also an important part of our cultural heritage. As a western suburbs lad, the ports hold an influence on many of the traditional working-class suburbs, such as Braybrook, where I was born and bred; Sunshine; Footscray, where I grew up; Yarraville; Williamstown; and Newport. They all have workers, pubs and businesses linked to the ports. Of course, the Labor Party itself and the union movement have been impacted by the ports and their workers. This cultural heritage of Melbourne has

had its fair share of influence down at the docks, and I will go to an event later on through my contribution. But I would like to take this time to acknowledge the great contribution of the member for Footscray and her reflection on the history of the ports and the relationship between the ports, the western suburbs and the western suburbs families and how it was so important for those families, particularly with jobs and productivity throughout the western suburbs.

This port reforms and other matters bill seeks to amend the legislation, and I will go to those points that it seeks to amend. It embeds the establishment of Ports Victoria in legislation and provides for the abolition of the Victorian Ports Corporation (Melbourne) and the Victorian Regional Channels Authority. It also adapts the charter of Ports Victoria to implement specific recommendations made as an outcome of the independent review of the Victorian ports system. It implements review recommendations in relation to local ports, port development strategies and regulatory arrangements relating to harbourmasters, towage and pilotage. It also changes the Port of Hastings Development Authority's name to reflect its current role and likely future function in the Victorian ports system. It avoids any doubt that it is up to the government to determine when the Victorian Rail Access Regime commences. It also puts beyond doubt that the powers and functions of the minister under the Fisheries Act 1995 can be delegated to the chief executive officer of the Victorian Fisheries Authority, and it makes improvements to transport restructuring order provisions and other matters in the Transport Integration Act 2010. The final point is that it makes clear that it is not necessary to prescribe a fee to be paid by applicants for registration in the tourist and heritage railway group register.

I alluded to it earlier, but I want to just make reference to an incident that I think is obviously a very historic incident in regard to the ports and my relationship with the ports, as someone that grew up in the western suburbs near the ports but also through my role when I went to the ambulance union and also as an ambulance paramedic. I was the assistant secretary back in 1998 of the ambulance union. People may remember this event, but tomorrow is a really auspicious day. It happens to be the 24th anniversary of the Patrick–Maritime Union of Australia dispute. I do not know if anyone remembers that dispute, but I was heavily involved in it, all the unions were involved in it, a lot of western suburbs communities and communities from around Melbourne were involved in it and it was a historic occasion down at the ports. I have to congratulate the MUA for their stand in that event and the whole trade union movement for their stand. You may remember what happened. Those workers were sacked on 8 April 1998, and Patrick tried to bus in I will call them goons in hoods with dogs to protect them. Of course, there was a picket line across the wharf's front. There was a community set up down there, and I know anyone that had been involved in the trade union movement was around at the time. Everyone participated in that action. I will never forget the Friday night when it looked like the police were going to break up the picket line. We were there all night, hundreds and hundreds and hundreds of trade unionists, community members and family members linking arms. The police helicopter was flying over the top. Then early on the Saturday morning the police came in in droves, hundreds of them, to start the separation of that group of people that were picketing. We had politicians at the front of the line—I do remember I think Joan Kirner was one of them, it could have even been Steve Bracks at the time, and many, many other state politicians—linking arms on the front line, being faced down by police 1 metre away. It looked like it was going to be very volatile.

But what happened was that we had the construction workers come in from the building sites at 7 o'clock in the morning, and they stood on the other side of the police. Common sense prevailed, and it was like the parting of the sea. The construction workers separated and allowed this avenue for the police to move away. The police moved away. I have got to say that that dispute was resolved nine days later on 17 April 1998, and it was only because of those port workers. I congratulate them, I congratulate the union and I congratulate everyone that supported them. How important it was not only to them but to all of their families right throughout Melbourne. But more so, a lot of those port workers were from working-class areas in the western suburbs, and I knew a lot of them that worked down at the ports. They had a great celebration down at Williamstown only a couple of weeks later, where they had a big I suppose I would call it a festival. It was a celebratory festival, and it was fantastic.

There are two other incidents that I would like to refer to. As a paramedic I attended the Coode Island fire when that went up at the ports. We were on standby just in case there were people that were injured, and fortunately there were not. But we were on standby at the Footscray Football Club in the social club rooms, as I say, waiting just in case people were injured.

There is a third event that I will refer to. I do not know if people remember it, but this is how I remember the ports at the time—and this goes back many, many years when my father was employed at General Motors-Holden down at Fishermans Bend. There used to be a little passenger ferry that would go across the river from Francis Street, Yarraville, to Fishermans Bend to transport the workers to all of those factories on that side of the river. I remember that well, because I used to drop my father off, in his car because I did not have a car, and he would go to work by ferry. They are just some events in my history that I relate to the ports.

There was an independent review of the Victorian ports system which was conducted in 2020. This was the first holistic review into the ports system in 20 years. During the intervening period the system has gone through significant changes, including the introduction of the third stevedore in 2015 and leasing of the port of Melbourne in 2016. Of course the leasing of the port of Melbourne provided financial reward for the state, and I think what we have done is had many, many infrastructure builds, such as level crossing removals, out of that lease arrangement. The review process included extensive consultation across the industry and stakeholders. I know that it has been questioned by the opposition about lack of consultation, but there have been many stages of consultation that have occurred over a number of years, including commercial port and local port operators. So I rebut what the opposition say about a lack of consultation.

The review of the Victorian ports system made 63 recommendations, all of which are supported by the Victorian government, together with long-term reforms that reinforce open market access to ensure the sustainable economic future of Victoria's ports. The full government response to that review addresses these recommendations while setting out the three main areas of action. Those areas are: establishing Ports Victoria, including creating Ports Victoria's legislative charter, and outlining key reforms, including the pilotage and towage services; developing the Victorian commercial ports strategy, which will further define the government's stewardship role and articulate the key steps in ensuring the future of Victoria's ports; and of course local ports and waterway management reforms that will seek to effectively support the economic and social value of these assets.

It is expected that over a specified period of, say, 12 to 24 months Ports Victoria will undertake an audit of the competencies and systems of the pilotage service providers to operate safely. This will be integrated with the development and implementation of new harbourmaster systems, practices and of course processes that are aimed at addressing identified gaps in operational coordination and control. Ports Victoria will keep a register of licensed pilotage service providers and the waters for which they are licensed, and providers of pilotage services who are registered under the Marine Safety Act 2010 at the time the provisions commence are deemed to be licensed.

This bill is an important bill. It is important for the state, but it is also important for workers and families and many, many suburbs that are supported by employment through the port system. This bill seeks to implement important changes that are needed, and I wish to thank the Minister for Ports and Freight, who, as the member for Williamstown, knows of this portfolio's importance not just for Victoria but for her electorate of Williamstown. I support these amendments, and I commend this bill to the house.

**Mr RIORDAN** (Polwarth) (15:19): I wish to contribute this afternoon to the Transport Legislation Amendment (Port Reforms and Other Matters) Bill 2022 because the people of western Victoria and the grand seat of Polwarth understand more than many other people in other electorates across the state of Victoria the importance of well-run and efficient ports. The reason, quite simply, is the overwhelming majority of production in an area like Polwarth, whether it is in forestry, whether it is in grains or whether it is in the dairy industry—

**Mr R Smith:** Ice cream.

**Mr RIORDAN:** Most famously our ice cream—60 per cent of Australia's ice cream comes from our part of the world. It is an important local product, but it is also very important that it gets on board and is exported from the state.

We excel in seafood exports, woodchip timber product and all sorts of goods and services, so much so that it is well over the majority of the production and employment of our communities. Not only that, it supports the very large and vital transport industry. The transport industry—trucking companies, freight companies, logistics companies, people moving the goods and services in and out of western Victoria—equates to about 30 per cent of the local economy in some areas. It is a vital conduit. Our farmers, our producers and exporters, our manufacturers and our transport industry all have relationships one way or another with our ports and our port infrastructure. That is a huge amount of product and a huge amount of people having relationships on a daily basis with the port of Portland, the port of Geelong and the Melbourne port—they are the main ones they deal with. But specifically in Polwarth of course we have smaller harbours. We have got the Apollo Bay harbour and the Port Campbell harbour, and I guess I draw on the experience of those smaller ports and reference their great importance to those local communities.

For example, the little port of Port Campbell, which is one of the few functioning access points for everyone in that marine environment to get access to what is at times a very busy waterway. With the big ships out at sea from there and tourists and visitors alike closer to shore we rely on an access point at a place like Port Campbell. That is overseen by the Department of Environment, Land, Water and Planning. Everyone in country Victoria's favourite government department is DELWP. DELWP have been sitting on this harbour. They have not trained anyone to use the crane, for example, for nearly two years. The community down there are still very desperate to have access to training so that boats can safely be put into the harbour there.

In this Parliament and the state of Victoria everybody is well aware of the terrible tragedy there about three Easters ago when a father-and-son rescue team launched from the port of Port Campbell and tragically were killed in service to the Victorian community. We understand how important that little harbour is, the service it provides and the toll that it has taken on that local community. And yet this government has not found it within itself to support that community and to maintain a regular training session at the harbour, so much so that there is now only a handful of people left who can access the crane on that harbour that puts important fishing boats in and makes it accessible for safety, for lifesavers and others to get out to sea to keep people safe and to operate. That is a real concern. That is one example of where when government does not get its management of harbours right, the community pays a toll.

I guess the other example is the harbour in Apollo Bay. The harbour in Apollo Bay is a bit like the Twelve Apostles: it is regularly photographed and shown as a beautiful and iconic space along the Great Ocean Road. Yet 80 per cent of that harbour is unusable because the government continues to underfund the necessary dredging equipment that is required in a small harbour like that. That harbour is very important because not only does it have the potential to have a large and valuable export fishing fleet but it also provides safe harbour for many passing boats. Those that have been on the Melbourne to Tasmania boat races, the Sydney to Hobart boat races and others have often found safe harbour when blown off course or caught in storms, as have many others that travel around it. It is an important spot because between Port Phillip Bay and Portland, which is a very big stretch of coastline, there is not much else to keep people safe. It is important that the investment is put into our smaller harbours and our focus is on their potential to communities and their overall value to the broader community.

When we move around the coast and into Port Phillip Bay of course we have got the Geelong port, Geelong harbour, which has seen a real renaissance in recent years in its value to the local community. For many, 10 or 15 years ago there were real concerns about the viability of Geelong. There were big manufacturers and people based on the harbour that were icons for many years—International

Harvester, the Ford Motor Company and others—but in recent years that whole space has been completely revitalised by a well-run port. A well-run port there has seen significant investment in what is now one of Australia's only fuel-refining spots, at the Viva refinery in Geelong, and it is providing a new opportunity for Victoria to have extra gas security, with a natural gas port there. But diesel and the fuel importing there provides great energy security to western Victoria and to the many agricultural and manufacturing industries that I mentioned earlier.

We have also seen, when a well-run port has some innovation, new things like the Tasmanian ferry terminal being constructed—and I might add, with very, very little to no support from this government at all and that is a great initiative from a well-run port operating with success despite interference and lack of interest from this government. It is a very good example of where this government is so lousy at times it is not even prepared to help invest in a set of traffic lights so that all the visitors coming to Victoria can safely enter and exit the port facility, and that is something where you sit back and scratch your head.

**Mr Eren** interjected.

**Mr RIORDAN:** Here is a great investment that is really going to be great for the Geelong community, and I notice the retiring member for Lara does not seem to want to support very much that port facility. I do not think they have been able to get a local member or a minister down there to show that support. They have forgotten that Geelong has a port. They got all their money out of the Melbourne port and then took it off to buy some tunnels and build some tunnels in Melbourne, and they have not reinvested it back into the important port services that Port Phillip Bay can have and certainly so many parts of regional Victoria rely on.

It is all very well, I guess, for a government to focus on the administrative side of ports, and this legislation attempts to make some improvements there. But when you take a step back and look at what the industries and the communities that use ports want, what do they want? They want ongoing maintenance, and we have seen that in a place like Apollo Bay. They want ongoing support, and we have seen that in a place like Port Campbell. In places like Geelong the biggest complaint coming through is that there is still no commitment from this government about creating proper road and rail networks into that port to ensure that the millions and hundreds of millions, into billions, of dollars worth of product that is going in and out of a port like Geelong can continue to do so into the future, unobstructed, and quickly and efficiently, because if we do not do that of course we end up with transport companies having to do what they are doing now, which is sending their trucks towards Geelong and them having to essentially camp overnight out at a place like Bannockburn, which is in the electorate of Polwarth. The people in Bannockburn tell me it is not uncommon to see many, many trucks, all lined up, drivers sleeping in their cabins overnight, all the way out at Bannockburn, because there is nowhere to do that close to the Geelong port. Then they get up, and when the port opens in the morning they can continue on through.

It is simple things like that—simple infrastructure, simple support. A government that really cares about the value of export and ports to a state would be working probably more proactively with, instead of sort of turning its back on, Geelong. They have had plenty of opportunities to really supercharge the Geelong port, but it has happened anyway because it is well located, and western Victoria is doing such a great job of providing throughput, product and services into that port that it has grown without the support, very much at times, from this current state government. So with this bill there will be obviously a need to scrutinise it further in the upper house. It is sort of a half attempt by this government to make our ports better. But I think, as I have said often in this chamber, it is not what they say they are going to do, it is what they actually do, and the evidence of what they are actually doing in our ports leaves a lot to be desired.

**Mr EREN (Lara) (15:29):** Yet another poor performance by the member for the Polwarth, as usual. I know he has not been around for long enough, but he has got to learn how to speak in this chamber and present the truth.

Anyway, apart from that, I have got to say this: I am really delighted to speak on this very important bill before the house, the Transport Legislation Amendment (Port Reforms and Other Matters) Bill 2022. I know the member for Geelong is very keen on making sure that we have employment at its maximum in Geelong. I think the member for Polwarth was not around when they were last in government, when the unemployment rate was reaching about 7.5 to 8 per cent in Geelong. Now, as we stand, it is just between a 3 and 3.5 per cent unemployment rate. We are very proud of the work that we have been doing around employment opportunities in Geelong. We moved the TAC to Geelong. We have moved WorkSafe Victoria to Geelong. When it comes to the ports we value the opportunities that exist in relation to them. Now the ports body has moved to Geelong and is called Ports Victoria.

Yet again this government is making sure that we have sustainable job opportunities going forward and also in terms of the population growth that is going on. As you may know, there is a reason why Geelong is a great place to live, work and raise a family. It is because the Andrews Labor government is looking after it. That is why it has the fastest growing population at the moment in the whole nation—the fastest growing population anywhere in regional Australia. Of course we have got to make sure that we look after these assets. I am proud to say, even though they are physically in my electorate, we collectively benefit from the economic activities that these assets bring to Geelong widely. So when you consider Avalon Airport, for example, the main highway, good rail links and a great port, all of these things mean that we can sustain the population growth and provide jobs for those people that move to our regions. Like I said, it is the economic heart in terms of economic activity.

The port of Geelong I think is very important in the sense that it has been around for about 150 years. Initially it was used to export wool, as we know. The Western District is a farming district that continues to produce good amounts of dairy produce, and good amounts of wool are still being exported. About 25 per cent of all of Victoria's overseas exports are currently being handled at the Geelong port. That is massive, and indirectly there are about 3500 jobs associated with the activity of the port. We estimate that that will grow, and that is why it is important to make sure that assets like the Geelong port and other ports around the state be as efficient as possible to accommodate this huge influx of demand, not only for our produce but also in relation to the demand for what we import for sustainability in our own lives.

With that being said, obviously it is important to make sure that assets like that are catered for through the bill that is before this house, and this is exactly what this bill is about. It is about making sure that we have the reforms in place. I would like to run through some of the important changes that will be occurring. The bill defines in very broad terms the Victorian ports system and links this to Ports Victoria's objectives, which are to obviously promote and facilitate trade, support strategic planning and development, participate in emergency management at a state level, undertake operational activities and provide technical and consultancy services in relation to the whole of the Victorian ports system, not just the commercial trading ports. The bill will also improve the Victorian ports system by continuing the operations of Ports Victoria, adapting its charter and making related amendments in relation to local ports, port development strategies and regulatory arrangements relating to harbourmasters, towage and pilotage; and changing the Port of Hastings Development Authority's name and objects to reflect its current role and likely future function in the Victorian ports system.

There are a whole raft of things that are in this very important bill, which has been well thought out and has been widely canvassed. It has been an intensely consultative process in terms of how we should—because it is such an important bill—proceed forward to make sure that our ports are as efficient as possible. From that perspective I want to congratulate the minister responsible for this bill before the house, the Minister for Ports and Freight, and of course for all of the other behind-the-scenes work that goes on by departments and other bureaucrats. They are the real workers behind the scenes making these bills work for Victorians. It is a great opportunity for us, from government's point of view, again to be concentrating on such important assets as ports around the state. Importantly I think

it makes sense for Ports Victoria to be located in regional Victoria, because there is obviously a lot of activity that goes on in regional Victoria in terms of ports as well.

Given the importance of our port system, an independent review of the Victorian port system was conducted in 2019–20. This bill makes the legislative amendments needed to implement the commitments the government made in response. A key recommendation of the review was a merger of the Victorian Ports Corporation (Melbourne) and the Victorian Regional Channels Authority. Geelong is the base for this new entity, this newly established statewide ports body, Ports Victoria. Ports Victoria will lead the strategic management and operation of Victorian commercial ports and waterways. The new organisation began operating out of Geelong on 1 July 2021, recognising the city's important role in Victoria's port system—obviously through the port of Geelong and the future relocation of the *Spirit of Tasmania*.

We are very excited about that. We are very excited about that ferry service that will transport not only people from Tasmania to come aboard and come and watch the Cats play if they are Cats supporters. I know Will Hodgman, the previous Premier, was a huge Cats fan. We used to go to a number of games together with Will Hodgman. He is now the Australian High Commissioner to Singapore, but I am sure he will still come down and support the Cats. There will be thousands of people, literally, for the nine games, for example, at Geelong that will take advantage of the ferry service and go to not only spend the night hopefully in Geelong but spend their money in our hospitality industry. So we know the value this service will provide, and we as a state government obviously have been engaged. I speak to Brett Winter often, as we all do collectively with other MPs in relation to their requirements and their needs. When you consider that it is such an important asset, it is obviously worth talking to the ports regularly to understand their needs going forward.

I do not want to go back to the member for Polwarth, but I think—

**A member:** You're going to, though, aren't you?

**Mr EREN:** I will.

**A member:** He is wrong.

**Mr EREN:** Not only is he wrong, he has got his wires mixed up, because as I have indicated before, if we were not doing what we are doing as a government to improve employment opportunities, the unemployment rate would not be just over 3 per cent; it would be 8 per cent, like it was when they were government. But he was not around, so anyway he will learn. As time goes on he will learn how to speak in this chamber and be accurate in what he says. The initial government response to the review included approval of the proposed merger and the transport restructuring. The Transport Integration Act 2010 was used to establish Ports Victoria as a new sector transport agency.

In the short time that I have available, there is something else going on that is affecting our region, and that will be hopefully the Bay West proposal—the super port. It has been indicated that it will be an ideal location in the west. Having a super port like Bay West will bring literally tens of thousands of jobs to our region. So again I go back to where I started. I congratulate the minister on this bill. I am glad that the ports are moving to Geelong. I wish it a speedy passage and thank the minister for her hard work.

**Mr D O'BRIEN** (Gippsland South) (15:39): I am happy to rise to say a few words on the Transport Legislation Amendment (Port Reforms and Other Matters) Bill 2022, which is relevant to all of us with ports and harbours in our electorates, including the magnificent electorate of Gippsland South, which does not have huge commercial ports, but we have actually got quite a few ports here, and I will come to those a little bit later. This legislation is largely the formal process of setting up Ports Victoria, as has been indicated by previous speakers, and has a number of other reform arrangements to ports, including changes to pilotage and setting up a licensing scheme for pilotage services, among other things. I note that one of objects of Ports Victoria is to promote and facilitate trade through commercial



trading ports and local ports. That is a noble aim, and I hope it will be achieved by the new organisation. But I also note that we have seen a significant escalation in prices at the port of Melbourne since the time of the lease initiated by this government, and that flows through to business and flows through to households through the extra costs that are borne by them and indeed makes our port less attractive for business. We have long been the busiest port in Australia, and under this government the activity that they have undertaken puts that at risk. I would be hopeful that the changes in this bill might address some of those issues.

I just want to reflect on that issue of the privatisation of the port. It does bug me in this chamber very regularly when the government seems to be a bit schizophrenic on the issue of privatisation. We just saw it in question time, where the Minister for Health had a go at members of the opposition with respect to privatisation of hospitals in the Kennett government. There is an inconsistency there and hypocrisy in that the government is quite happy to privatise other services—land titles, the licensing division of VicRoads, the port of Melbourne. I do not really understand why one thing privatised is bad, but another thing is good. It seems to be one thing privatised by Liberals and Nationals is bad and something privatised by Labor is fine. So there is a hypocrisy there in the government on the issue of privatisation, and the port of Melbourne is a classic example of one that the government did.

As I said, the electorate of Gippsland South has some magnificent ports. We have got certainly the second-oldest port in the state, Port Albert, which was the way Gippsland was settled. It is largely just a small fishing port and a tourist area at the moment and certainly a very popular location for recreational fishermen to depart from as well. Port Welshpool is still quite an active port commercially, both for fishermen but also for Bass Strait trade, including from some of the Bass Strait islands. Quite a bit of activity goes through there, including live cattle coming in from the Bass Strait islands to markets in Victoria. We have got Port Franklin, which is probably one of the prettiest ports, certainly in my electorate—a lovely little port based on the Franklin River as it comes out into Corner Inlet, surrounded by what I believe is the Southern Hemisphere's southernmost mangrove forest. And there are still quite a number of commercial fishermen that operate out of Port Franklin as well. Then we have got Barry Beach and Port Anthony, which are very serious commercial ports. Barry Beach for over 50 years has been the service point for the Bass Strait oil and gas rigs, now owned and managed by Qube. Port Anthony right next door—effectively the same infrastructure but slightly different ownership; Port Anthony owned by the Anthony family—is being developed and trying to work up a number of other commercial opportunities that can operate through South Gippsland, including most recently the announcement of a heads of agreement on new hydrogen production nearby, which would be a great thing to occur if it were to get off the ground.

We have also got plenty of other water-based areas. You will be surprised to know, I am sure, that there is in fact a port of Sale. The port of Sale was historically a very active port, providing access through the Gippsland Lakes and out through Lakes Entrance to Sale. It is a long time since that has been active, but it is now a great recreational area and one that is being redeveloped by Wellington shire with support from the federal government. And there are various other locations. Loch Sport you would not call a port, but it is an area of significant importance for the western part of the Gippsland Lakes. Indeed tomorrow I will be in Loch Sport catching up with some of the business and tourism association people there about their proposal for a safe harbour at that end of the Gippsland Lakes in Loch Sport. This is something they have been working on for some time in conjunction with councils, with the Department of Environment, Land, Water and Planning (DELWP) and with Gippsland Ports, and I would hope that this can be developed further into a proposal that can achieve a positive business case and then subsequently receive funding from both the state and federal governments if necessary. I think that would be a great boon for Loch Sport and indeed, as I said, for the western part of the Gippsland Lakes, where there is not much in the way of safe harbour.

There is an issue, and I hope that Ports Victoria will be able to deal with this to some degree, although it will not directly affect the Gippsland area. One of the challenges we have with water access, including to ports and to smaller recreational ports, is the number of different organisations that are in

charge. I had a period a couple of years ago when I was dealing with issues of access at boat ramps on channels, and on a number of different ones—so Lake Wellington at Marlay Point; Sandy Point down on Waratah Bay; and I had some issues in Corner Inlet as well. They all had so many different agencies involved that it made it extremely confusing. We had literally DELWP, we had shires—South Gippsland and Wellington shires in my case—we had Parks Victoria, we had Gippsland Ports and we had foreshore committees of management, which actually are responsible in some areas as well. It would be good to clean some of that up.

Indeed the irony of the Marlay Point situation was that not only were Gippsland Ports, DELWP and the shire all separately involved, but Marlay Point itself, the boundary between Gippsland South and Gippsland East electorates, actually runs around the shore of Lake Wellington. So with the Marlay Point issue it was not even clear which local member should be chasing it up, because technically, I think, if I have got this right, the water would be mine but the land would be the member for Gippsland East's. So there are anomalies like this that cause confusion and difficulty and ultimately often lead to inaction, and one of the jobs that we have had to do in Gippsland is to sort out who is responsible for these issues.

I just want to touch on Corner Inlet. As I said, it is the main commercial port in my electorate, with Barry Beach and Port Welshpool, and there are some great opportunities. I go back to the object of Ports Victoria: promoting and facilitating trade through commercial trading ports and local ports. There are some good opportunities there with the proposed offshore wind farms, and we are all excitedly awaiting the finalisation of plans for the Star of the South offshore wind farm in particular, which is more so off McLoughlin's Beach and Port Albert. It will need to have obviously a construction base and then an ongoing maintenance base, and the hope I have is that they will choose Barry Beach in Corner Inlet as the maintenance base there. It will be certainly easier. It is on the right side of Wilsons Promontory. The alternatives would probably be potentially Lakes Entrance but more likely the port of Hastings, which is a lot further away, having to go around the prom. So while there might be some issues that we might have to deal with, with potential dredging of the channel to make Barry Beach a bit deeper, I certainly hope there is the Star of the South. There is the proposed Seadragon offshore wind farm near Seaspray, proposed by Flotation Energy, and indeed the Macquarie proposal, but that is more on the Bass Coast on the other side of Wilsons Prom, so less likely to be a benefit to me in Corner Inlet. And at the same time we have actually got the Bass Strait oil and gas rigs now starting to wind down. There will be decommissioning, and there will be potentially a nice transition where there is decommissioning of the offshore oil and gas assets at the same time as we are building and maintaining new offshore wind farm assets. So I would hope to see great opportunities for my electorate through those ports, and I look forward to that occurring in the future.

**Ms CRUGNALE** (Bass) (15:49): I too rise to speak on the Transport Legislation Amendment (Port Reforms and Other Matters) Bill 2022. It is wonderful to get an insight into the various ports in use—and historically as well—along our coastline and into our waterways.

The global pandemic of the last two years has taught us many things. While we may feel that we have become more insular, the reality is that we are still very dependent on other countries; likewise other countries depend on us here in Victoria. We have seen the fragility of the supply chain firsthand. Even during the pandemic there were those among us who never questioned the concept of the supply chain as a global issue until we saw the pictures of that enormous cargo ship, the *Ever Given*, literally stuck in the Suez Canal. It was a daily reminder of how one literal plug in the system could cause chaos. For six days last March more than 100 ships were stuck at the end of the canal waiting for the *Ever Given* to be freed. More than 400 ships were delayed by the incident and estimates of \$10 billion a day were published as the very real cost of the delay it caused. That incident alone was enough for anyone to understand how vital resilience and agility is in relation to cargo.

Historically we all know that here in Victoria the ports of Geelong, which the member for Lara spoke to, and Portland were sold to private companies during the 1990s, and the port of Melbourne was leased for 50 years in 2016. Our government understands just how vital ports are to our economy and

that good governance is critical. Our government also understands the benefit of review, which is why we commissioned an independent review of the Victorian ports system back in 2019–20. Most importantly, our responsible government knows that if you commission a review, you listen to the recommendations and get on with it. We accepted all 63 of the review's recommendations for transport, and this bill before us today will allow the implementation of those recommendations.

The review found that having different port entities leads to a high level of fragmentation in responsibilities and roles, and we have certainly had a lot of that spoken to today in this chamber. It causes less confidence in the effective functioning of the port system as a whole. The lack of a single or primary source of authority has meant inconsistencies in approaches to delivery and an inability to attract and retain high-level maritime policy and technical expertise. Combining the ports, the Victorian Ports Corporation and the Victorian Regional Channels Authority into a single agency certainly makes a lot of sense. Also, as others have said in the chamber, the bill fulfils our commitment to implement all of the review's recommendations, less than 12 months after establishing Ports Victoria. Our government published a full response to the review in August 2021 and announced the creation of Ports Victoria on 25 February 2021, and Ports Victoria commenced operations in July of that year. I really want to commend and congratulate all those who have achieved this in such a short period of time, particularly in light of the restrictions posed by the pandemic.

The boundary changes in my electorate of Bass mean that more of Western Port Bay—it is actually to the east of Melbourne, but it is to the west of Sydney, hence the name—will be in the electorate at the end of this year and more constituents will likely be employed in port services, mainly at the port of Hastings. The port of Hastings is a key entry point to our country for bulk liquid imports and a crucial piece of our port network. This legislation changes the Port of Hastings Development Authority's name and purpose not only to reflect its current role but for a stable future in the Victorian port system. As Victoria's second container port will now be located at Bay West, the need for Hastings to be developed for container transport has been negated, hence the newly named Port of Hastings Corporation will not have references to its role as Victoria's second container port.

My constituents on Phillip Island watch the activity at the port of Hastings quite closely; the import and export of crude oil, steel and LPG have been going through Western Port Bay since the 1960s. It is ideally located because of the deepwater western channel, which passes Ventnor on its way to the Bass Strait. At times over 700 vessels have been accommodated. The current estimates are around 120 vessels annually, but freight volumes are expected to more than double over the next three decades across all ports.

Returning to the legislation that sits before us in this Parliament, it embeds the establishment of Ports Victoria in legislation, replacing the Victorian Ports Corporation (Melbourne) and the Victorian Regional Channels Authority. Not only will Ports Victoria promote and facilitate trade, but it will also plan and develop for the future.

When we reflect on the lessons learnt from the *Ever Given* incident, the ability of Ports Victoria to participate in emergency management at a state level is paramount. Victoria has the smallest mainland coastline of any state, coming in at 1870 kilometres, and this statistic belies the fact that Victoria's commercial ports handle the export of around \$26 billion worth of locally produced and manufactured goods. Almost one-quarter of Australia's total food and fibre exports go from our ports. We may be a small state in geographical terms, but one-quarter of exports is an astounding amount from the ports of Hastings, Melbourne, Geelong, Gippsland and Portland. To put that another way, Australia has 11 major mixed ports. Victoria has two of them, in Melbourne and Geelong. So this bill gets the regulatory settings right to protect the movement of goods—not only the movement of goods but safety for all those who work in the industry as well.

As with many industries, changes are all too often retrospective. For example, a little over 100 years ago it took the loss of 1500 people on the *Titanic* to put more lifeboats on ships. Our government cares about workers no matter if they are on the land, on the water or in the air, and this bill provides for

Ports Victoria to license pilotage service providers and creates an offence to provide pilotage services without a licence and, as always, puts workers' safety first by making sure that pilots demonstrate knowledge, skills and expertise of systems and harbourmaster directions, providing safe pilotage services in port waters. Ports Victoria will be required to keep a register of licensed pilotage service providers and the waters for which they are licensed because of this bill. Transport Safety Victoria will retain responsibility for licensing individual pilots and registering pilotage service providers as well. Harbourmasters will have clear responsibility and powers to ensure navigational safety in their ports. Amendments to the Marine Safety Act 2010 put it beyond doubt that pilots must comply with the directions received from harbourmasters for the purpose of navigational safety.

This bill also formalises our commitment to providing Ports Victoria with the tools it needs to implement the changes to address the high level of fragmentation that currently exists. We have defined the system to include all the various components, including the ports and the physical components, which include the waterways, roads and railways; the facilities for disembarking from ferries; the wharfs, jetties, piers and freight yards.

As always, there was extensive consultation during the independent review. As always, industry was engaged when the government response was prepared. In particular I thank the Minister for Ports and Freight. As the member for Williamstown, she knows firsthand how important our ports are to the state, to our workers, to our citizens and to our economy. I wish this a speedy passage through this house to the other house.

**Mr McGuire** (Broadmeadows) (15:59): I just want to highlight how the government is harnessing the value of the port of Melbourne, that economic engine room contributing \$6 billion annually to our economy. In this contribution I also want to show how the big picture extends even out to Broadmeadows and what we are looking to do as a government to create greater economic activity and more jobs. To make the point, since the lease of the port it has increased productivity by 26 per cent, and it is 30 per cent more efficient than the next best Australian port. The government is slashing the cost of the last mile—this is the critical point that we need to get right—and that is with the \$125 million investment in the on-dock rail at the port. I want to address this because this is a vital link for our economic development. The new rail track will deliver a direct route from the Somerton terminal in the state district of Broadmeadows to the docks via the port of Melbourne's \$125 million project. This is of state significance. The Australian and Victorian governments are making rail freight cheaper for businesses and taking trucks off suburban roads through a \$16.2 million investment in direct rail freight between the port of Melbourne and Somerton. I was delighted to have the Minister for Ports and Freight come out to Somerton. We stood there and saw: 'Here's the expanse on a huge site, and here is how it all connects up, so you can get your exports and your imports coming straight to these communities'. The construction and operation of the new terminal will create hundreds of jobs and will build on our strengths and assets, particularly in Melbourne's north.

If you think back to what actually happened under previous Labor governments, if you remember we dredged the port of Melbourne and took the wholesale markets off that really vital land. We won the bid for Melbourne's north. I was the strategist behind that bid. We got it, and it landed out at Epping. Have a look at how significant that is. It meant that it stopped the produce—and I think 80 to 90 per cent of the produce comes from the north of Victoria—and put it on a purpose-built greenfield site out at Epping; it is huge, and we take care of it there. Now, that had the impact of stopping all of this produce and trucks and everything coming through the city, going over the West Gate Bridge to that site. The value of that has now been unlocked, and that is far better. The alternative bid was down through the west. You can imagine how much extra traffic there would have been on the West Gate Bridge and how we are trying to deal with that. I just want to commend the big picture view that has been taken by Labor governments over a long period of time to actually help with productivity, efficiency and the effectiveness, and how we generate economic activity and how we get more imports and exports to where we need them most.

It has taken a Labor government to put rail back at the port, to connect it to the metro and regional intermodal hubs to keep freight moving, to introduce a nation-leading pricing model and keep the port up and running during the pandemic. That has also been important. We developed the first voluntary port performance framework in the country, and now we see fewer increases in charges, more notice of changes and stevedores actually talking to industry about the charges. So the government has led the way in increasing pricing transparency, and I just wanted to add that in response to some of the issues that have been raised by the opposition.

These protocols have formed the basis of the national model developed by the National Transport Commission. It has taken the Labor government to put that together, to put the rail back to the port and to connect it to a series of intermodal hubs. I do want to actually commend the federal National Party in coming out and helping with this development, because I remember it was then National Party leader Michael McCormack, who was Deputy Prime Minister at the time and Minister for Infrastructure, Transport and Regional Development. This was a joint contribution from the Australian government and the Victorian government. Of course, I think we should have more of this, and we have just seen in the previous debate about the budget that this is what you need. You need these collaborations. You need these co-investments to build the big picture infrastructure for the state and the nation.

What we were able to do is get the new track to deliver a direct rail route from the Somerton terminal to the dock via the port of Melbourne and this \$125 million on-dock rail project. This builds on announcements made in August of last year of a further joint investment of a \$28-million link between the main rail link and Dandenong South-based Salta Properties. You have got the south, you have got the north, and here is how you bring it together. This is an example of a \$110 billion nationwide infrastructure plan investing in rail freight to support economic recovery from the pandemic. This is an increase in efficiency for major freight customers at the Somerton terminal, and it boosts conditions for motorists as well. The Minister for Ports and Freight commented on that when we were there—and to the media. I think this is really how we can look at improving the governance. That is what this bill does. It covers off better compliance and better governance and brings it together under a bigger picture strategy.

It is important to note that the port users and consumers have not been financially affected by the issues identified by the Essential Services Commission in this report, and this is due to the tariff adjustment limit introduced by the government which caps price increases at CPI until at least 2032. That is important so they have got consistency. The government is committed to ensuring fair pricing and transparency at the port of Melbourne to support our exporters and importers to be cost competitive and to help Victorian businesses to thrive. I think this is something that should be acknowledged by the opposition. Here is a good approach with this overall governance, here is the vision, here is the plan, here is the strategy, here is how you knit it together. It is a benefit of national significance and of state significance for all Victorians.

Just on a couple of other propositions, the context of this is a key recommendation of the review of the Victorian ports system was that the Victorian Ports Corporation (Melbourne) and the Victorian Regional Channels Authority become one entity, and of course that is better for consistency and collaboration. Ports Victoria was established using the transport restructuring order, with effect from July last year, and this bill embeds Ports Victoria in legislation and provides for the abolition of the VPCM and the VRCA. The bill also provides for the objectives, functions and powers of Ports Victoria in accordance with recommendations of the review.

In conclusion, here is how the government has been able to say here is greater efficiency, greater effectiveness, control of costs, giving certainty. We will have a benefit of national significance and of state significance. There is the regional play out in the north, which is obviously my heartland, and I think we can get the local jobs for local people. That wraps it up beautifully, and that is the dividend that we need. I just want to make sure that people can see the value in this bill and how it brings it all together, and that is why I commend this bill to the house.

**Mr CARROLL** (Niddrie—Minister for Public Transport, Minister for Roads and Road Safety) (16:08): I move:

That the debate be now adjourned.

**Motion agreed to and debate adjourned.**

**Ordered that debate be adjourned until later this day.**

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

*Council's amendments*

**The DEPUTY SPEAKER** (16:08): I have received a message from the Legislative Council agreeing to the Justice Legislation Amendment (Fines Reform and Other Matters) Bill 2022 with amendments.

**Ordered that amendments be taken into consideration later this day.**

**ROAD SAFETY LEGISLATION AMENDMENT BILL 2022**

*Second reading*

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

That this bill be now read a second time.

**Motion agreed to.**

**Read second time.**

*Consideration in detail*

**Clause 1 (16:10)**

**Ms RYAN:** Clause 1(a) refers to evidentiary matters relating to offences detected by road safety cameras. Minister, is someone committing an offence if they use a mobile phone to pay while using the drive-through at a fast-food outlet?

**Mr CARROLL:** I thank the member for Euroa for her question. First and foremost, the intention is not to be catching people that may be using Apple Pay or a mobile phone while going through a drive-through. In fact I do not want to make any earthshattering announcements, but these cameras are not intended to be at drive-throughs. This is about road safety. It is about our major arterials and driving down the road toll to zero by 2050, halving road deaths by 2030 and halving trauma. It is a very serious subject, and we all know the road toll. As I speak on my feet—70 lives lost. That is 70 individuals that will not be here for this Easter or this Christmas. Every life lost is preventable, and that is what this is about. It is not about people using their mobile phone as they go through a drive-through, whether it be Apple Pay or their Visa card on their phone; it is about people using their mobile phone literally while driving, whether it is in a 40-kilometre zone, a 60-kilometre zone, an 80-kilometre zone or a 100-kilometre zone. You all would have read the second-reading speech. We know this has a 95 per cent chance of really ensuring that every year we can save so many different lives—some 95 lives. So do not take my word for it, take the Monash University Accident Research Centre's. Member for Euroa, to the nub of your question about it applying to fast-food outlets and drive-throughs, anyone going through a particular outlet like that is not intended to be found guilty of any of these offences, and it is not intended to apply to those individuals.

**Ms RYAN:** Thank you, Minister. Whilst appreciating your response, the bill does say, 'while the vehicle was moving or stationary'. It is maybe not within the spirit of the law, but I suppose I renew my question: is that offence feasible under the legislation? And secondly, is it legal for someone to use their mobile phone at traffic lights if they pull on the handbrake and turn off their car, as I understand

has previously been the advice of Victoria Police—that it is indeed illegal to use a mobile phone to pay whilst going through a drive-through and that motorists can only do so if they pull on the handbrake and turn off their car? So in light of that advice from Victoria Police, is it legal for someone to use their mobile phone, for example, at a traffic light or a stop sign if they pull on the handbrake and turn off their car?

**Mr CARROLL:** The intention of this reform—and it is based on Australia-wide evidence and international evidence—is very simple. Mobile phones are a distraction, and distractions lead to loss of life. You should not be on your mobile phone at any stage while your car is on. And indeed if you are at traffic lights and stopped and on your mobile phone, there is a very good chance that you will out of this legislation—and rightly so, as no-one should be on their mobile phone at traffic lights; that could easily cause an incident, it could cause all manner of things—be encapsulated by this law. Having said that, though, as you would appreciate we are sending out notices for the first three months when the law comes in, and we are going to ensure that this law does apply to those individuals that it is intended to—those individuals that are being distracted and on their mobile phone when they should not be.

**Mr D O'BRIEN:** I assume I have to be in my place and I also need to refer to you as Chair on this occasion.

**The DEPUTY SPEAKER:** I have been called worse.

**Mr D O'BRIEN:** Or Deputy Speaker? Sorry, this is new for us. This is literally I think the third time—

**The DEPUTY SPEAKER:** Deputy Speaker.

**Mr D O'BRIEN:** Deputy Speaker, this is literally the third time this has happened since I have been in Parliament—for nearly seven years now—so it is a little bit exciting for us.

**Mr Eren:** You're easily excited.

**Mr D O'BRIEN:** True. A very bad choice of words, member for Lara.

*Members interjecting.*

**Mr D O'BRIEN:** Sorry, Minister, I just want to go back to those couple of questions. You have used the word 'intention' a couple of times. I would like to know whether it is still legally possible for someone to be charged when using a mobile to pay for something. It is not just the question perhaps of fast-food outlets. For example, we see people collecting money at traffic lights, and I am sure it is not beyond the realms that in future—in fact it might already be happening—that people do that with a machine, a payWave.

I take your assurance that it is not the intention of the legislation. But as you know, as local members we all get the strange cases that come forward where someone is aggrieved that they have been charged with an offence and do not believe it is clear in the act. I just seek whether you can clarify (a) whether or not someone could in fact be charged for using a mobile phone or a device to pay out the window, whether at a fast-food outlet or perhaps at traffic lights, and (b) whether it is absolutely clear in the legislation that you cannot be touching a mobile phone even when stationary on the road.

**Mr CARROLL:** It is new to me too, member for Gippsland South. So I am happy for you to ask that question and indeed I will provide the response. I take your point that people may use payWave with their mobile phone—Good Friday Appeal and things like that. Again, there is every chance that if you are using that device illegally—even today, if a police officer is there and you have your mobile phone in your hand with your car on, you technically are within the realms of using a mobile phone while driving your car and your car is on. We know a mobile phone in the palm of your hand is a big distraction. So when it comes to using a mobile phone, it is why there is lots of case law. And it is why cars have now been designed to literally have the mobile phone in its socket; there is no opportunity for your phone to be even on your lap. Your mobile phone is there as a distraction.

I am a little concerned about some of the questioning. You are almost trying to find some loopholes and how to potentially get away with using a mobile phone in your car, which I thought was a little bit of a silly way to begin this debate—starting with fast-food outlets and now using payWave. The intention of this is: the mobile phone is the biggest distraction individuals have in their vehicle at the moment, and we are now bringing about a law and bringing about legislation and requirements to put essentially cameras around our network that will help stop people, prevent people and fine people for using a mobile phone.

Now, in your case, member for Gippsland South, this will go through a normal process. So if you get caught on one of these devices, and say you are on your mobile phone going through an outlet of some sort or indeed going through to make a payment and your car is stationary, whether it be on or off, you will be triggered. The way the cameras are set up, they will get everyone going through the intersection. Then everyone gets, essentially, photographed. It takes three images, and then it will go through a process of vetting. If the mobile phone looks like it is being held, indeed if it looks like it is in the lap, the software basically goes through an algorithm, and it will delete 99 per cent of people. And then those 1 per cent of people, perhaps one of the examples that you raised, will then get issued in the mail the fine. Then they will have the opportunity indeed to, if they believe that they were doing the right thing by the community and they should not have been fined, at least say (a) 'It wasn't me that was the driver' or (b) 'These were the circumstances'. Like every other time you get a fine, you have got the options of taking it to court and pleading your case or indeed, through Fines Victoria, seeking an internal review.

**Clause agreed to.**

**Clause 2 (16:20)**

**Ms RYAN:** Clause 2 deals with the commencement of the act. How much revenue does the government expect these new evidentiary cameras will raise within the first 12 months of commencement?

**Mr CARROLL:** The idea of this is not to raise revenue. Whatever revenue is raised will certainly then go into our Better Roads trust. I have got three regional members here, and a third of that roads trust funding goes to regional Victoria—on your roads, on your maintenance, on your engineering and, what we are talking about today, on your safety. So let us get that matter clear first and foremost. But also, I actually almost get offended when people try to encapsulate road safety as revenue raising. Every year the TAC spends \$1.5 billion on clients with horrific injuries, and it supports many of them for the rest of their lives. Indeed I met a client yesterday. So this is about actually trying to save the taxpayer money and trying to make investments back into road safety. It is far from revenue raising. Indeed the Monash University Accident Research Centre says we are likely to have a \$21 million saving per annum. Indeed how do you quantify saving a life? If we are going to save some 95 lives every year through some of this technology it is an innovation, it is what we need to do and it is what we need to invest in. It is certainly not revenue raising.

**Ms RYAN:** How much money will these new cameras raise according to the government's modelling?

**Mr CARROLL:** We have never focused on revenue with this legislation or indeed with this reform. This has all been about putting the sanctity of human life and life-changing circumstances front and centre. Member for Euroa, I have not asked nor have I sought what sort of revenue this will raise. My goal has been to, as every road safety minister's goal is, have zero lives lost. To be standing here with 70 lives lost already this year is too many, so it is not about revenue raising. It is not about modelling on what revenue raising will occur. We have been very clear in the second-reading speech and very clear I think in our opposition briefing on the amount of lives that it can save in addition to the significant funds that it can save by not having to spend more money on disability, impairment, trauma and



counselling by ensuring that we use technology to help drive down the road toll and road trauma and not only eliminate road deaths by 2050 but indeed halve the road toll and road trauma by 2030.

**Clause agreed to.**

**Clause 3 (16:23)**

**Ms RYAN:** Minister, clause 3 makes reference to the circumstances in which an offence applies with respect to a driver who is touching a portable device or has a portable device resting on their body. Noting that new sections 80B to 80D have a delayed commencement in order to ensure amendments are made to the Road Safety Rules 2017, can the minister explain the definition of ‘portable device’?

**Mr CARROLL:** A portable device is essentially—and it goes into the definitions—a mobile phone. This is about handheld mobile phone devices that we know come in all different shapes and sizes, and that is what the definition of a portable device is. Essentially it is targeted, and in the definitions a mobile phone is a portable device.

**Ms RYAN:** Are smart watches such as an Apple Watch classified as a portable device?

**Mr CARROLL:** A smart watch—an Apple Watch or indeed a Garmin watch—is not classified or intended to be encapsulated in this legislation. It is purely targeting mobile phones, and whether the mobile phone is in your lap and not in your hands or if it is in your hands you will be encapsulated in the definitions. Indeed if one of these cameras does catch you with that mobile device either in your lap or in your hands, such as a mobile phone, you will be caught. It is very much targeted at mobile phones, certainly not smart watches, Garmin watches or Apple watches that are on your wrist. The way this software and the technology essentially is written—it is a lot more technical than I am aware of—it is targeted at basically getting mobile phones. It will not target an Apple Watch or any other sort of device that you may have around your wrist or indeed in your console. It is purely set up to target mobile phone use.

**Mr RIORDAN:** Clause 3 inserts new sections 80B through to 80D. Can you tell us what the locations are of these cameras?

**Mr CARROLL:** I cannot tell you what the locations of the cameras are; they have not been rolled out yet. But your point is a valid one, member for Polwarth, in the sense that we will as part of our road safety action plan and strategy certainly look at some sort of communications campaign to advise the community. And we would be happy, when the time comes around in a year or two or in 18 months, to work with the opposition and ensure that they are briefed on the campaign that goes around this new technology that is indeed out on the roads. We will obviously work with our road safety partners and we will work with the Transport Accident Commission to inform the community that these cameras are out there. But when it comes to specific locations, that information has not been determined, and indeed we are very much at the beginning of the process with this legislation going through the chamber.

**Mr RIORDAN:** Do you expect these cameras to be rolled out in regional Victoria as well, or is it for metro roads only?

**Mr CARROLL:** Member for Polwarth, to be very honest, I hope they are rolled out all over the state where we see potential lives lost. You would be fully aware as a member for regional Victoria of the over-representation of regional Victorians in the road toll. It is actually quite a mistake that people think that it is people coming to the regions that lose their lives on our roads; it is often your local community members that lose their lives. The intention is that these will be rolled out at different locations, and obviously we will work with a range of our road safety partners, principally Victoria Police. But yes, they will be capable of being rolled out essentially to any community across the state or indeed any location.

**Mr WAKELING:** Minister, can I bring you back to clause 3, subclause (3), the definition of ‘portable device’. I thank you for your answer with respect to watches, but with respect to iPads, laptops or any other devices that people may well be utilising whilst driving, could you provide some clarity as to whether they fall within the definition of a portable device?

**Mr CARROLL:** Thanks, member for Ferntree Gully. I will seek some clarification. If you are using an iPad and you are speaking on the iPad and you are literally having a conversation or indeed using your iPad to text, I understand that would fall within the definition, because you are using a portable device, essentially an iPad/phone, for a telecommunications purpose. Do you mind if I just ask—sure, yes.

**Mr D O’BRIEN:** To assist the house, I have a related question that you may seek clarification on too, Minister, and I would like to just respond to some of your comments earlier too. I do not think we are in any way trying to create loopholes; we are simply just trying to have clarity on some of these issues. But in addition to the member for Ferntree Gully’s questions, I am interested in—and this would relate to the current rules as well—devices such as AirPods. So you could be on the phone with AirPods in your ears. Likewise, there are in development—and they have been trialled—smart glasses, which potentially could be used. I get that that is not a case of having a mobile phone in your hand or on your lap, but it is potentially equally distracting. I am just wanting to clarify whether that is okay—say, for example, with AirPods—as it is okay, I assume, under current laws to use bluetooth in the car. Could you clarify that for me as well?

**Mr CARROLL:** Thanks, member for Ferntree Gully and member for Gippsland South. AirPods, I think they are, that go in your ears, or some of that sort of glassware, are not encapsulated at present, but iPads would be. The reason laptops would be is you may be using them to talk to some individual. The reason that we have gone with the definition of ‘portable device’ is to try as much as possible to stay ahead of the curve in terms of some of the things that the member for Gippsland South has raised: what is the next iteration of technology? The intention is that we know the mobile phone will be incorporated into some sort of other device at some stage—it will be probably smaller and more powerful—and then rather than always having to come back to update the definitions, it will be a portable device. But at the moment AirPods in your ears and things of that nature—as opposed to mobile phones, iPads and laptops, which are encapsulated—and the other things that the member for Gippsland South raised would not be.

**Mr WAKELING:** Minister, if I may just as an addition to that seek some clarity. With respect to an iPad, it would be covered with respect to someone who is either texting or having a conversation over an iPad, but what about someone who is either holding or touching an iPad if they are using it to live stream or to watch YouTube or to send an email?

**Mr CARROLL:** Member for Ferntree Gully, you would certainly be caught—as you should be. If you are live streaming on your iPad and watching something or if you are using it to text, you would certainly be caught, and I think, yes, you would be made an example of. So yes.

**Mr McCURDY:** Minister, you spoke about infringements earlier. Should a motorist decide to challenge an infringement, will the images that were taken by the camera be provided to them?

**Mr CARROLL:** The short answer is yes. They will be provided, as you can now request, member for Ovens Valley, images of your registration plates when you go through a red light and the like. The short answer is yes, and all the available natural justice processes that apply now for either speeding or red-light camera offences will be applicable. You may not have even been the driver of that car although you are the registered owner; you may very well believe that you were in the right and want to seek an internal review. So all of those processes will continue to apply, including requesting a copy of the image.

**Mr McCURDY:** Further to images, Minister, in terms of storage of those images and use of those images, is it a third party or a government organisation that will be reviewing those images? In terms

of privacy—I suppose that is where I am coming from—how are those images protected by privacy? Is it outsourced, or is it government?

**Mr CARROLL:** It is a very valid point that the member for Ovens Valley raises around privacy, and it is something that I take seriously. It has obviously been front of mind for me as the minister overseeing this reform. I can confirm that we have been working and continue to work with the Office of the Victorian Information Commissioner, and all of those protections that come under the Privacy and Data Protection Act 2014 will continue to apply. With this reform we have to do a privacy impact statement. I think the nub of the member's question was essentially: who has access to the images? Are they outside government, third parties? The intention is that it is always just within government. The intention is that 99 per cent of the images will be destroyed, hopefully within hours. It is that 1 per cent where a person has been caught by the camera and then issued a fine that will be held for that sort of period where they can challenge it, and if they pay the fine fairly quickly, the intention is for the image to be destroyed.

**Ms RYAN:** (*By leave*) Minister, just with respect to the nature of the cameras, are they going to be fixed? I understand that in the trial that was undertaken they were mounted on mobile trailers. Will the installation of permanent cameras be fixed, or will they be mobile around the state? Will any warning be provided to motorists as to the site of these cameras?

**Mr CARROLL:** You are correct, Shadow Minister, that they were on mobile big pole devices for the trial, and that is what we intend to roll out certainly at the beginning. They will be mobile, can be moved around and things like that. To your point about communications and advertising, we are still to work through that, but from my point of view it is something that I would want to see advocated for—not pinpointing exactly the location, but like we do now: 'Please be aware. Please be mindful. You are in the vicinity of a mobile camera'. That is probably where we will head to, and certainly as I said earlier, we will work with our road safety partners, TAC, to see what other communications and advertising we need to do around this reform.

**Clause agreed to.**

**Clause 4 (16:38)**

**Ms RYAN:** Minister, with respect to the general evidentiary provisions in the bill, I specifically want to ask about seatbelts. How will infringements be issued to passengers who are detected not wearing seatbelts, in light of the fact that generally you would have the details of the owner of the car or the driver but not necessarily a passenger who might be in that vehicle?

**Mr CARROLL:** Often the onus is on the driver to ensure that their passengers are wearing seatbelts. If it is a passenger from another household—I will just seek clarification on that—I understand that initially the communication goes to the registered owner of the vehicle. I will just double-check where it goes if there is someone that does not live in that premises.

Member for Euroa, I think I was right the first time. The onus is on the driver, so the infringement will be issued to the driver, because they have the obligation to essentially operate a safe vehicle with all passengers buckled up. With the technology, if you were sitting in the back seat without your seatbelt and the driver had their seatbelt on, you would not be picked up. The only way you would be picked up as a passenger without a seatbelt, whether you were in the front seat or the back seat, is if there was essentially a police officer on the side of the road there and then who saw it.

**Ms RYAN:** Further to that, Minister, just to clarify I guess: in the event of a rideshare or a commercial passenger vehicle, if a passenger is not wearing a seatbelt, just to clarify that fine, that infringement would go to the operator—the Uber driver or the taxidriver in that case. Is there any provision for the driver of the vehicle to nominate the passenger as the person who has actually committed the offence? For someone who is operating a rideshare or a commercial passenger vehicle, I suppose, what is the advice to them if they have a passenger who is not wearing a seatbelt?

**Mr CARROLL:** Thank you, member for Euroa. Yes, the advice to them is to make sure their passengers are seatbelted up—but I understand from the advice I have just been given from the Department of Transport that the cameras are literally focused on the front, the driver's seat, because that is where the responsibility is held. If you are in the back seat of an Uber or a taxi and not buckled up, you are being stupid, but you will not be caught unless literally you are seen by a police officer on the side of the road, and they will issue the fine and the offence then.

**Mr D O'BRIEN:** Could I just clarify on that, then: so the cameras will not be focused at all on the passenger in the front—is that correct? Only on the driver?

**Mr CARROLL:** I will get that clarification.

Member for Gippsland South, the camera will pick up a passenger not wearing a seatbelt only in the front seat. However, the fine will not go to the passenger, it will go to the registered driver, and there is no capacity for the registered driver to pass the fine on or try and nominate someone else because under the law you as the driver are responsible for the safety of your passengers and ensuring everyone is buckled up. Indeed in the case of an Uber driver or indeed a taxidriver, they should really hopefully refuse the fare unless the person is buckled up and doing the right thing.

**Mr McCURDY:** Just to take that one step further, Minister, in the case of a left-hand drive situation, obviously—well, I assume—the driver is then deemed to be on the left-hand side rather than the right-hand side, so the rules would then apply?

**Mr CARROLL:** The short answer is yes.

**Mr RIORDAN:** Just to clarify on reallocating to the responsible driver, you said there was no provision to allocate it to the passenger, but presumably if you are driving someone else's car you can nominate them, as you can with speeding fines.

**Mr CARROLL:** Yes. I think if someone else was driving your car and they were caught and you were the registered owner of the car, you certainly, as in the provisions, could nominate them.

**Mr WAKELING:** Minister, just further to that situation, if a passenger wanted to nominate themselves as the offender as opposed to the driver, is there capacity in that context for the passenger to accept the fine, given the fact that they had initiated it, or does it have to be borne—and obviously with any loss of points—by the driver?

**Mr CARROLL:** No, it does have to be borne by the driver because the obligation is not on the passenger to provide the safety of the motor vehicle. You as the driver have that responsibility to ensure your passengers are belted up, whether they are your kids or they are your friends or they are your parents in the back seat. The onus does come on you as the registered owner and driver.

**Mr WAKELING:** Just as a follow-up, if I may, to that, in some circumstances if a photo is taken of the whole front of the car, somebody who is sitting in the middle seat in the back will be certainly visible in the photograph, and in those circumstances the driver may be unaware of the offence occurring. If someone wished to nominate themselves as the offender, given the fact that the driver was unaware of the fact that they were committing a penalty in their car, can consideration be given for individuals to accept the fine?

**Mr CARROLL:** Look, there are always different considerations given, but you also open up a big can of worms if any individual can accept the fine, because not only is it about the fine, it is about the demerit points for the driver. So if you are a passenger in a vehicle, the way the road rules work is as a passenger you cannot say, 'Well, I did the wrong thing, take the demerit points off me'. The responsibility is on the person behind the wheel—and indeed the responsibility for not only the motor vehicle but the individuals in it. So the onus and the law apply to you as the registered owner and driver.

**Mr RIORDAN:** We are very obsessed with this particular point, Minister. I just am seeking further clarification. At the moment—you made the comment a couple of times—the passenger in the back

seat or the other passengers would only get fined if they were caught by a policeman. So what you are saying is that if a policeman is there, the onus and responsibility for safe driving does not exist for a driver, but under the camera situation it does. So you have sort of got two points of law going on there. You are saying that the existing law treats the driver differently to how the camera law does.

**Mr Carroll:** No, we're not saying that.

**Mr RIORDAN:** You said that a passenger in the back seat and a passenger in the front seat would get fined if a policeman caught them.

**Mr Fowles:** Officer.

**Mr RIORDAN:** Officer—if a police officer caught them. But under this the driver is totally responsible for the other passenger. So a person in the back, a kid in the back seat now or an adult in the back seat now, will get the fine, but under this only the driver will get the fine.

**Mr CARROLL:** Yes, essentially you are correct that it is the driver that will be caught and fined under this camera technology. The passenger in the back will not. The passenger is doing the wrong thing by not wearing a seatbelt, but they are also not driving the vehicle. There is also a lot more responsibility on the driver to ensure their passengers wear their seatbelts. One of the things we are doing here—it is incredible after 50 years—I think it was 21 lives lost or thereabouts last year by people not wearing a seatbelt.

**Ms Ryan:** Thirty-one.

**Mr CARROLL:** Thirty-one, was it? I am corrected. So it is something we need to address. We do not know what the future is with technology and where it may go. Some of your hypothesis, member for Polwarth, may one day come true, where technology is a lot more advanced to pick up all sorts of things, and the rules may expand. But at the moment the focus is on the driver of the motor vehicle.

**Ms RYAN:** *(By leave)* Minister, just with regard to the storing of images taken to detect a portable device offence or a seatbelt offence, what advice has the government received from the Office of the Victorian Information Commissioner, and will that advice be made public?

**Mr CARROLL:** We have been working considerably closely with the Office of the Victorian Information Commissioner and parliamentary counsel. The Department of Transport have also been working under the guidance of the camera privacy provisions in both the Road Safety Act 1986 and the Privacy and Data Protection Act. We have to do a privacy impact statement for this reform. I am just going to clarify if that becomes a public document, and I will be back in one second.

If it is okay by you, Shadow Minister, I will come back to you, on a commitment, over the privacy impact statement. It is something the Department of Justice and Community Safety are working on at the moment. We have not committed to publicly releasing it, but I commit to giving you a briefing on it, and we will work to see what sort of information we can provide publicly around it.

**Clause agreed to; clauses 5 to 8 agreed to.**

**Clause 9 (16:51)**

**Ms RYAN:** Minister, even though I will acknowledge that this one is a bit random, clause 9 inserts new section 85IA into the Road Safety Act, which provides that if a person is charged by a police officer with one of a number of offences, a senior police officer, by written notice, may suspend the driver licence or learner permit of that person. This includes an offence against section 61(1) of the Road Safety Act, which states that:

If owing to the presence of a motor vehicle an accident occurs whereby any person is injured or any property (including any animal) is damaged or destroyed, the driver of the motor vehicle—

- (a) must immediately stop the motor vehicle; and
- (b) ... render such assistance as he or she can ...

Can you confirm that someone can have their licence suspended if they hit a pet while driving and fail to stop to check on the animal?

**Mr CARROLL:** That is not the intention, member for Euroa—animals. It is about humans: hit-and-run. If I am correct, it is about humans and you will not be caught if it is a hit-and-run on an animal. Yes, I thought so.

**Mr D O'BRIEN:** Just a clarification on the same section, although onto clause 9(3), which indicates that a senior police officer can effectively only suspend a licence in the case of someone who has died or suffered serious injury or, paragraph (a)(ii):

the accused is an unacceptable risk to road safety until the charge is determined ...

Minister, could you clarify what the definition of a senior police officer is and also if there is any appeal mechanism for that? There is a situation potentially where there may be multiple people or vehicles involved in an accident. Someone might be suspended and vehemently protest their innocence, and the charge may take some time to clarify—as to whether there is actually any appeal mechanism for that.

**Mr CARROLL:** Thank you for the question, and again I am going to seek a nod. I am 99 per cent sure you need to be a sergeant or above as a ranking police officer. Is that correct? Yes. And, yes, there are appeal mechanisms, and essentially the police officer does still have to fill out a charge sheet and do their best to ensure the elements of the offence have been proven and will be proven if it does go to court. So, yes, they are the processes.

**Mr D O'BRIEN:** Perhaps further clarification: what are the appeal processes? Is it through VCAT, is it through a magistrate? What is the process that someone who is suspended might appeal?

**Mr CARROLL:** I will go and seek some clarification, but essentially if it is hit-and-run or culpable driving causing death, your licence will be suspended. In relation to which court of law it is through, let me just come back to you.

Member for Gippsland South, you can seek an internal review through Victoria Police. Essentially the sergeant will issue the infringement and the suspension, and if you do believe the sergeant has done that wrongly or you are innocent, you can seek an internal review. Depending on the nature—if it is a hit-and-run, culpable driving—that will obviously also be through a court process, and if through the court process you are found not guilty, then essentially your licence is automatically given back.

**Clause agreed to; clauses 10 to 17 agreed to.**

**Clause 18 (16:57)**

**Ms RYAN:** Minister, clause 18 provides for regulations to be made concerning the manner in which images and messages produced by devices, systems and processes can be disclosed, shared, destroyed or used. Sorry, I am rushing. Given these cameras photograph offenders and non-offenders, will police have access to these images? And, I suppose, under what circumstances will police have access to the images—perhaps for other offending or if they are pursuing other matters? What training will be provided to individuals who are reviewing images taken by these cameras? And what procedures will be in place if another offence is detected in the course of reviewing camera images? For example, if somebody is detected taking drugs or engaging in other criminal activity, can they be prosecuted for that behaviour as a consequence of the images that have been taken?

**Mr CARROLL:** I thank the member for Euroa for her question. We are working with the Office of the Victorian Information Commissioner on all the roles and responsibilities of the different road safety partners, principally within VicPol and the Department of Justice and Community Safety, that may have access to the images. As I said, 99 per cent of the images hopefully are destroyed within literally a matter of hours, and then that 1 per cent of images where a suspension or a fine is being issued will be held for a court of law process. If in that image it looks like there has been another

offence committed, that would then be obviously, depending on what the offence is, at the discretion of Victoria Police to look into the matter. The whole idea of these images is evidence, and if there is a serious other breach that has been caught, as we see with other breaches now with CCTV footage, that would be a matter for Victoria Police to look at.

**Ms RYAN:** Minister, has work on these regulations commenced, and when will the regulations come into effect?

**Mr CARROLL:** The intention is to pass this bill hopefully through some bipartisan support that I know is there, and then, as you would be aware, we have a regulation-making power under the act, but I understand we have not commenced that process as yet. There have certainly been discussions with the Department of Transport and the Department of Justice and Community Safety concerning future regulations.

**The DEPUTY SPEAKER:** Order! The time set down for consideration of items on the government business program has arrived. I am required to interrupt business. The house is considering the Road Safety Legislation Amendment Bill 2022. The question is:

That clause 18 stand part of the bill.

**Clause agreed to; clauses 19 to 40 agreed to.**

**Bill agreed to without amendment.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**The DEPUTY SPEAKER:** The bill will now be sent to the Legislative Council and their agreement requested.

**TRANSPORT LEGISLATION AMENDMENT (PORT REFORMS AND OTHER  
MATTERS) BILL 2022**

*Second reading*

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

That this bill be now read a second time.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**The DEPUTY SPEAKER:** The bill will now be sent to the Legislative Council and their agreement requested.

**Business interrupted under sessional orders.**

**Adjournment**

**The DEPUTY SPEAKER:** The question is:

That the house now adjourns.

**DONCASTER ROAD, DONCASTER**

**Mr GUY** (Bulleen—Leader of the Opposition) (17:01): (6326) My adjournment tonight is for the Minister for Roads and Road Safety, and it concerns the eastbound section of Doncaster Road from the Eastern Freeway up to Doncaster Shoppingtown. The state of the road is atrocious. It is being ripped up and disfigured from a growth in the median strip which occurred in late 2001. It was repaired and despite the warnings to the government it has happened again. My concern is that this is now causing cars to slow down and particularly during the evening peak and is becoming a hazard for drivers and a risk to those who live close to Birralee Primary School and the Eastern Golf Course redevelopment. My adjournment matter tonight is to the Minister for Roads and Road Safety, and I ask the minister to ensure that there is funding in the state budget, soon to be handed down, to fix Doncaster Road and to make this happen for the sake of public safety and my constituents who live in Doncaster.

**The DEPUTY SPEAKER:** The member for Narre Warren South, and can I wish the member for Narre Warren South a very happy birthday.

**WOMEN'S HEALTH IN THE SOUTH EAST**

**Mr MAAS** (Narre Warren South) (17:02): (6327) Well, thank you so much, Deputy Speaker. My question is for the Minister for Women and concerns support for Women's Health in the South East. Minister, how does the Andrews Labor government support WHISE to deliver services to women in my electorate of Narre Warren South? WHISE provides an integral service that assists women with their health and wellbeing, including sexual and reproductive health, prevention of violence against women and gender equity. WHISE continues to look for ways to increase its capacity to help more women in the growing south-east. I would appreciate any information that the minister can provide on how the state government is supporting WHISE.

**BUSHFIRE PREPAREDNESS**

**Mr McCURDY** (Ovens Valley) (17:03): (6328) My adjournment is to the Minister for Energy, Environment and Climate Change, and the action that I seek is that the minister come to the Ovens Valley and inspect a recent planned burn in the Warby Ranges. I have met with Marty Hogan, whose property borders the Warbies, and Mr Hogan has confirmed that on the Labour Day long weekend, Sunday, 13 March, a fuel reduction burn was ignited in the Warby Ranges near Wangaratta. The burn did not achieve any meaningful fuel reduction outcomes, and it is clear that the short-term change in fuel load is negligible. In the medium to long term there will be increased fuel fire hazard. Furthermore, the burn destroyed thousands of old large live and dead trees. Significant irreparable environmental damage was caused by this planned burn in a site of national significance. Whilst the stated goal of the burn is to control fuel risk, there has been a failure. We respectfully invite you to urgently tour this site with us. Our objective is to try and ensure that this totally avoidable outcome does not happen again, and I appeal to the minister to visit the Warbies with me to look at these outcomes.

**NORTHERN SCHOOL FOR AUTISM**

**Ms HALFPENNY** (Thomastown) (17:04): (6329) My adjournment matter is for the Minister for Education regarding the senior campus of the Northern School for Autism in Lalor. The action I seek is for the minister to strongly consider funding the rebuilding of the Northern School for Autism, or NSA, senior campus. The NSA is situated on the site of the Peter Lalor Vocational College along with the Lalor and District Men's Shed and U3A. The Andrews Labor government in the 2020 state budget allocated \$8.2 million to create a master plan for the site and start its redevelopment. The building of



classrooms for the Peter Lalor Vocational College itself has commenced, and students soon will move into brand new fit-for-purpose classrooms.

The school community is very anxious to see funding for the next stage, which will include the rebuilding of the senior NSA to provide all the facilities that modern schools now have as part of the Labor government's record investments in schools and education, because our children deserve the best. NSA parents and students have high expectations, and so they should, having the experience of the earlier middle years campus in Reservoir that was rebuilt by the Labor government and includes therapy rooms, music rooms, STEAM buildings and incredible play and outdoor areas.

Parents and the school community have started a petition calling for the funding for the rebuild of the NSA senior campus. I will be tabling this petition in Parliament in the next sitting week, and over 679 people have already signed. The school is so important, and the work it does is profound. I would like to acknowledge the hard work and dedication of the school president, Teresa Pilone, and the expertise and commitment of principal Pamela Mathieson.

### ROADSIDE VEGETATION

**Mr RIORDAN** (Polwarth) (17:06): (6330) The action I seek tonight is for the Minister for Roads and Road Safety to ensure that the roads of western Victoria, and those particularly in my electorate of Polwarth, receive increased funding in the upcoming budget to maintain roadside vegetation. I refer specifically to the median on the Princes Highway west between Winchelsea and Colac, which has remnant vegetation from before the highway was duplicated over the last 10 years. Some of that remnant vegetation has not stood up well to the road duplication and we now find very, very large eucalypts that are dead and are waiting for the next windstorm to blow them onto the road. We know—the evidence tells us—that big, dead gum trees, when they come down on a busy two-lane to four-lane highway, will cause damage, they will potentially cause death and they will cause great inconvenience on what is a major road.

Right across western Victoria this is a common and growing problem where trees that are no longer fit for purpose are being left on medians and on the edges of the roads, and these are accidents waiting to happen. The local Regional Roads Victoria need more resources and to have more time allocated to what are clearly preventative actions. It is obvious that preventative measures need to be taken to keep Victorians safe. Many will recall there were lives lost last year in the Dandenongs when large eucalypts fell down, and they were healthy ones. These are dead ones. We know they are going to collapse. Some of the ones in particular that I drive past when having to come to Melbourne and come into Parliament are at up to 10- and 15-degree angles leaning out over the road already. These are obvious accidents waiting to happen, and I urge the minister to make sure there is increased funding to see to that problem.

### WESTGARTH PRIMARY SCHOOL

**Ms THEOPHANOUS** (Northcote) (17:08): (6331) My adjournment is to the Minister for Education, and it concerns Westgarth Primary School in my electorate of Northcote. The action I seek is that the minister support the school's submission for the upcoming state budget, seeking funding for much-needed capital works at Westgarth Primary. Westgarth Primary is nearing 100 years old. With this remarkable legacy of educating generations of inner-north children comes the challenges of ageing buildings and out-of-date learning spaces. Students and parents at Westgarth know these challenges well: leaky roofs, uneven playing surfaces, dilapidated portables and no space for the whole community to gather under one roof.

But if you know the inner north, you know that we are fighters and that we are creative and we rally together to get things done, and that is exactly what we are doing at Westgarth. Together with our parents, students and principal, Jo Wheeler, we have put together a compelling case for upgrades and a vision for Westgarth Primary that would deliver new modern classrooms, a full-size gym and a master plan for the future. Two weeks ago I joined Westgarth families for an info night to talk through

our submission, and we launched a community petition. That petition now has almost 500 signatures. But that is not all—the students themselves have rallied. They have written a student petition of their own, and I want to read it out now to give you a sense of their passion. It reads:

Dear Mr. Merlino,

The students of Westgarth Primary School would like to let you know how important it is for us to have improved learning facilities such as a full-sized gym and new classrooms. We need a full-sized gym because we cannot play proper games such as basketball as the court is not competition sized and the outdoor court has large puddles in the middle. When it rains, we can't have assemblies or watch performances as a whole school, because we do not have an undercover space large enough for everyone to fit. The portable classrooms are very old, some have leaking roofs and they are all very noisy which is impacting on our ability to hear and concentrate. Our students have all signed this petition to let you know how important this is for us. We are celebrating 100 years as a school in 2024 and it would be great to be able to show everyone what a wonderful school we have. Please consider funding Westgarth Primary School to make our school even better.

It is signed off by the year 6 school captains, Grace Stephens, Fergus Wilson-Ure, Lola Shelly and Simon Wrench. This student petition has been signed by 460 students so far, so we are now nearing 1000 signatures from my community calling for an upgrade to Westgarth Primary. The minister knows that fighting for our schools in the inner north has been a priority for me since day one, and I have been proud to see upgrades to almost every single one of them, because we need to give our kids the best opportunities to grow, thrive and learn in environments that are welcoming and inspiring. We need modern spaces that our excellent teachers can use to create and explore flexible ways of learning that cater to every student, no matter their ability or their interests. We have a wonderful vision for Westgarth Primary, something that can leave a legacy for the inner north and all the generations of kids who will come through that school. On behalf of my community I urge the minister to make our vision a reality.

### COVID-19 VACCINATION

**Mr NORTHE** (Morwell) (17:11): (6332) My adjournment matter is directed to the Minister for Health. The action I seek from the minister is for the government to inform businesses and the broader community as to when the requirement to provide proof of vaccination will no longer apply for patrons to enter certain venues, and further, when the vaccine mandate will end so people can return to their employment of choice.

Unless you are double vaccinated in Victoria you are currently unable to attend settings such as bars, nightclubs, restaurants, cafes, cinemas, zoos, museums, live music venues, walking tours, tourist buses, casinos, gaming venues and adult entertainment venues. There seems no logic or rationale as to why the Victorian government is maintaining these imposts to businesses whilst denying Victorian citizens their freedoms and liberties.

The business community has been through a tumultuous two years, and for much of this time they have been required to enforce government COVID rules, which have come at a cost to businesses from a financial and resourcing perspective. New South Wales have already relaxed their proof-of-vaccination rules, and I quote from their COVID 'Staying safe' website, which says:

Most premises in NSW are now open to everyone, regardless of whether you are fully vaccinated or not.

Queensland is also relaxing their mandate rules from 14 April, which means unvaccinated Queenslanders can enter venues such as pubs, clubs, cafes and restaurants, theme parks, casinos, cinemas, weddings, showgrounds, galleries, libraries, museums and stadiums. Once again, Victoria seems to be the outlier when it comes to these matters.

As I have said in this place many times, Victoria unfortunately now has two classes of citizens: the vaccinated and the unvaccinated. It troubles me that there appears to be no appetite to change the current state of play and many Victorian citizens have similarly been discarded and forgotten. On 14 October 2021 I asked the Minister for Health in question time as to when the vaccine mandate was likely to be lifted for workers. In part the minister said it will be there for as long as it is proportionate

and needed to be put in place to keep Victorians safe and to underpin our safe opening. I have seen public commentary that talks about this measure being needed until as long as April 2022, which the minister said. What I would say to the minister is: well, I thought we had reopened safely, and it is now April 2022, so why do these draconian and unfair rules still exist?

Even more concerning is the fact that many Victorians have lost their livelihoods because they dared to do their research and conclude that the COVID vaccination is not for them, a vaccine that the federal government states is voluntary. Given the extremely high vaccination rates in Victoria and the fact that the government now sees rapid antigen testing as a genuine tool in dealing with COVID-19, it defies logic why people continue to be denied their ability to work or be valued members of society. Why, for example, cannot people be regularly tested at their place of employment if that is an option for one who is not vaccinated? In closing, I ask the minister to provide details as to when the vaccination mandate will be lifted in Victoria.

### MOUNT WAVERLEY RESERVE MASTER PLAN

**Mr FREGON** (Mount Waverley) (17:14): (6333) My adjournment matter this evening is for the Minister for Community Sport, and the action I seek is for the minister to commit funding to help deliver the Mount Waverley Reserve master plan. The Andrews Labor government funded the development of the master plan in the 2019 budget, and since then Monash council has completed work on the plan for the upgrade of this important community facility. I was at the reserve yesterday with the deputy leader of the Labor Party, Richard Marles, and our fantastic Labor candidate for Chisholm, Carina Garland, to hear that an Albanese Labor government will commit \$3 million towards the delivery of the Mount Waverley Reserve master plan. We were joined by mayor Stuart James and Cr Brian Little from Monash council as well as David Grossman, president of the Mount Waverley Cricket Club; Steven Pewtress, president of the Waverley Blues Football Netball Club; and many excited members of these clubs. This is an opportunity for a fantastic partnership with all levels of government and the locals of our area working towards this shared vision and delivering for our community, and I look forward to the minister's response.

### SANDRINGHAM ELECTORATE TRANSPORT INFRASTRUCTURE

**Mr ROWSWELL** (Sandringham) (17:15): (6334) My adjournment matter is for the Minister for Transport Infrastructure, and the action that I seek is for the minister to meet with representatives of Bayside council and Kingston council and me to discuss the removal of the dangerous and congested Highett Road and Wickham Road level crossings and to discuss Kingston council's proposed plan for the Cheltenham Suburban Rail Loop station and precinct.

The major projects being undertaken in Highett over the next decade must not be seen in isolation. There are many planning, social and environmental impacts that need to be considered. There are three significant locations that must be considered as part of the Highett level crossing removal and the Suburban Rail Loop development, including the planned high-density residential high-rise to be built on former CSIRO land on Graham Road, directly impacting traffic along the Highett station activity strip; the vacant land at the Highett gasworks site, currently owned and managed by Development Victoria and earmarked for development; and the Sir William Fry Reserve, which is set to lose some 40 per cent of its open space to the Suburban Rail Loop project without provision of high-quality open space to offset those losses.

Last week I had the pleasure of meeting at Highett Road's level crossing with the mayor of Kingston council, Cr Steve Staikos; deputy mayor of Kingston council and local ward councillor, Jenna Davey-Burns; and deputy mayor of Bayside council, Cr Hanna El Mouallam. This was after an earlier one-on-one meeting with Kingston's mayor, Cr Steve Staikos, to discuss these important projects. Cr Staikos and Kingston council, together with Bayside council, are as one on the matter of the removal of both the Highett Road and Wickham Road level crossings. It is disappointing to note that the government has not yet announced the removal of these crossings, but of course there is opportunity for it to do so in the budget during the next sitting week. Our meeting was the coming

together of the two councils, Cr Staikos, Cr Davey-Burns, Cr El Mouallam and me to discuss the need for this project to be undertaken and why it is important for the Victorian government to consult with our communities and local councils about future such projects.

Cr Staikos also drew my attention to some of the wonderful work done by Kingston council. I was handed a report that identifies key issues with the government's Suburban Rail Loop. Cr Staikos explained that through strong community engagement they were able to design a vision that would provide greater growth and opportunity for the local community. By considering the future of these three sites and using this information to inform how we remove Highett's level crossings and develop the Cheltenham Suburban Rail Loop precinct, there will only be a better outcome for our communities. Again, I implore the minister to meet with Cr Staikos, Cr El Mouallam, representatives of council and me to understand the strongly held views of locals and get these generational projects done correctly.

### BENTLEIGH SECONDARY COLLEGE

**Mr STAIKOS** (Bentleigh) (17:18): (6335) My adjournment matter tonight is for the attention of the Minister for Education and concerns that outstanding school, Bentleigh Secondary College. The action that I seek is that the minister ensures that the proposed performing arts centre at Bentleigh Secondary is fully funded in the upcoming budget.

Our government has a proud record when it comes to providing modern, comfortable facilities for schools throughout the Bentleigh electorate, and Bentleigh Secondary College is no exception. It was our government which built that state-of-the-art STEAM centre and those two additional indoor competition-grade basketball courts a few years ago, and I was very pleased last year to ensure that Bentleigh Secondary College received some planning funding to appoint an architect to start designing a performing arts centre. That is due to the fact that Bentleigh Secondary College excels in the performing arts. Over the years I have seen so many musical productions that they have put on. Whether it is *Seussical* or *We Will Rock You* or *Grease* or *The Wedding Singer* or so many others—

**Ms Allan** interjected.

**Mr STAIKOS**: Absolutely, Minister—so many fantastic musical productions, and their performing arts program is second to none. They are currently operating their performing arts program out of a building that is not purpose built, and I know they can do even more in that space with a purpose-built performing arts centre. It is an outstanding school. They deserve more. We have already done a lot at this school, but I think we can do more, so I really do urge the Minister for Education to ensure that in the upcoming state budget we have the funding to ensure that we have this state-of-the-art, purpose-built building for the performing arts at Bentleigh Secondary College.

### RESPONSES

**Ms ALLAN** (Bendigo East—Leader of the House, Minister for Transport Infrastructure, Minister for the Suburban Rail Loop) (17:20): I will respond directly to the matter raised by the member for Sandringham. His action that he was seeking from me was for me to meet with representatives of the Bayside and Kingston councils to discuss the delivery of the Suburban Rail Loop, particularly the precinct at Cheltenham, and the potential removal of level crossings at the Highett and Wickham road intersections on the Frankston line.

With all due respect to the member for Sandringham, I do not need his invitation. I have been meeting already with representatives of those councils, and indeed in the next week I will be meeting with one of those councils to discuss the exciting investment that the Andrews Labor government is making in those local communities. Only a few weeks ago I remember meeting with the mayor of Bayside council, Alex del Porto, and the mayor of Kingston council, Steve Staikos, and some other local government representatives, specifically on the delivery of the Suburban Rail Loop, because we really look forward to working in partnership with local councils on these exciting opportunities to bring in

more public transport services and the opportunity to invest in open space, in jobs and in housing in these local areas.

What we do not need is the ongoing scare campaigns and opposition that we are seeing from local Liberal Party members. We know they want to stop the Suburban Rail Loop. We know they have commitments to indeed scrap the Suburban Rail Loop if given the chance. We have seen just this week some disgraceful attacks by those opposite on those who work in the authority, who are working day and night. As the local member said—and I agree—we want to get this done correctly. What we do not need is the ongoing and personal attacks from those opposite on the good people who work in the authority, who are working flat out consulting with the local community and listening to the local community. These are the same people that those opposite criticise. These are the same people that those opposite would scrap and sack if they were given the opportunity, because we know they want to slash the infrastructure pipeline.

That brings me to the response to the local member on the call to see the Highett and Wickham roads level crossings. He mentioned the budget next month—like, goodness me! We have made \$4 billion worth of investment on the Frankston line in removing level crossings and upgrading new stations, and every single one of those locations was opposed and criticised by those opposite, so—

**Mr Rowsell:** That's not true.

**Ms ALLAN:** It is true, member for Sandringham, and I will happily show you the record of how we have had nothing but opposition.

**The SPEAKER:** Through the Chair.

**Ms ALLAN:** The opposition has joined forces with people who have taken us to court to stop the removal of level crossings. These people have used councils and used other mechanisms to try and stop and block these projects. They have used every opportunity to try and block these projects, and do you know what? We have ignored those opposite, because they went to the last election with a policy to take money out of the level crossing removal program. They are not committed to level crossings. They did not fund and finish a single level crossing when they had the opportunity to in government, and now they hate the fact that we have removed 59 level crossings and are on our way to remove 65 by the end of this year.

As I said, with all due respect to the member for Sandringham, yes, I will continue to talk and work closely with those local councils. I have had great opportunity on a number of occasions to meet with the mayor of Kingston, Steve Staikos, I have had a great opportunity to meet the mayor of Bayside council, Alex del Porto, and I look forward to continuing those strong partnerships with those local councils as we get on and deliver the projects we committed to and ignore the calls from those opposite to scrap these infrastructure pipelines that are about delivering better services to local communities.

Another nine members raised matters for other ministers, and they will be referred for their action and response.

**The SPEAKER:** The house now stands adjourned.

**House adjourned 5.24 pm until Tuesday, 3 May.**