

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE ASSEMBLY
FIFTY-EIGHTH PARLIAMENT
FIRST SESSION**

Wednesday, 5 August 2015

(Extract from book 10)

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

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Deputy Premier and Minister for Education	The Hon. J. A. Merlino, MP
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Minister for Police and Minister for Corrections	The Hon. W. M. Noonan, MP
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Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Kairouz, MP

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

Speaker:

The Hon. TELMO LANGUILLER

Deputy Speaker:

Mr D. A. NARDELLA

Acting Speakers:

Mr Angus, Mr Blackwood, Ms Blandthorn, Mr Carbines, Mr Crisp, Mr Dixon, Ms Edwards, Ms Halfpenny,
Ms Kilkenny, Mr McCurdy, Mr McGuire, Ms McLeish, Mr Pearson, Ms Ryall, Ms Thomas,
Mr Thompson, Ms Thomson, Ms Ward and Mr Watt.

Leader of the Parliamentary Labor Party and Premier:

The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. A. MERLINO

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

The Hon. M. J. GUY

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:

The Hon. D. J. HODGETT

Leader of The Nationals:

The Hon. P. L. WALSH

Deputy Leader of The Nationals:

Ms S. RYAN

Heads of parliamentary departments

Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

Council — Clerk of the Legislative Council: Mr A. Young

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE ASSEMBLY
FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Batin, Mr Bradley William	Gembrook	LP	Naphthine, Dr Denis Vincent	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio	Melton	ALP
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Brooks, Mr Colin William	Bundoora	ALP	Noonan, Mr Wade Matthew	Williamstown	ALP
Bull, Mr Joshua Michael	Sunbury	ALP	Northe, Mr Russell John	Morwell	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Daniel David ²	Gippsland South	Nats
Burgess, Mr Neale Ronald	Hastings	LP	O'Brien, Mr Michael Anthony	Malvern	LP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pakula, Mr Martin Philip	Keysborough	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Clark, Mr Robert William	Box Hill	LP	Paynter, Mr Brian Francis	Bass	LP
Couzens, Ms Christine Anne	Geelong	ALP	Pearson, Mr Daniel James	Essendon	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Perera, Mr Jude	Cranbourne	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pesutto, Mr John	Hawthorn	LP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dixon, Mr Martin Francis	Nepean	LP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian ¹	Gippsland South	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Ms Stephanie Maureen	Euroa	Nats
Eren, Mr John Hamdi	Lara	ALP	Sandell, Ms Ellen	Melbourne	Greens
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
Fyffe, Mrs Christine Anne	Evelyn	LP	Sheed, Ms Suzanna	Shepparton	Ind
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Ryan	Warrandyte	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Timothy Colin	Kew	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Spence, Ms Rosalind Louise	Yuroke	ALP
Guy, Mr Matthew Jason	Bulleen	LP	Staikos, Mr Nicholas	Bentleigh	ALP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Staley, Ms Louise Eileen	Ripon	LP
Hennessy, Ms Jill	Altona	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hibbins, Mr Samuel Peter	Prahran	Greens	Thomas, Ms Mary-Anne	Macedon	ALP
Hodgett, Mr David John	Croydon	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Howard, Mr Geoffrey Kemp	Buninyong	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	Tilley, Mr William John	Benambra	LP
Kairouz, Ms Marlene	Koroit	ALP	Victoria, Ms Heidi	Bayswater	LP
Katos, Mr Andrew	South Barwon	LP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kealy, Ms Emma Jayne	Lowan	Nats	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Kilkenny, Ms Sonya	Carrum	ALP	Ward, Ms Vicki	Eltham	ALP
Knight, Ms Sharon Patricia	Wendouree	ALP	Watt, Mr Graham Travis	Burwood	LP
Languiller, Mr Telmo Ramon	Tarneit	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
Lim, Mr Muy Hong	Clarinda	ALP	Williams, Ms Gabrielle	Dandenong	ALP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Wynne, Mr Richard William	Richmond	ALP
McGuire, Mr Frank	Broadmeadows	ALP			

¹ Resigned 2 February 2015

² Elected 14 March 2015

PARTY ABBREVIATIONS

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

Legislative Assembly committees

Privileges Committee — Ms Allan, Ms D’Ambrosio, Mr Morris, Mr Mulder, Ms Neville, Ms Ryan, Ms Sandell, Mr Scott and Mr Wells.

Standing Orders Committee— The Speaker, Ms Allan, Ms Asher, Mr Brooks, Mr Clark, Mr Hibbins, Mr Hodgett, Ms Kairouz, Mr Nardella, Ms Ryan and Ms Sheed.

Joint committees

Accountability and Oversight Committee — (*Assembly*): Mr Angus, Mr Gidley, Mr Staikos and Ms Thomson.
(*Council*): Ms Bath, Mr Purcell and Ms Symes.

Dispute Resolution Committee — (*Assembly*): Ms Allan, Mr Clark, Mr Merlino, Mr M. O’Brien, Mr Pakula, Ms Richardson and Mr Walsh. (*Council*): Mr Bourman, Mr Dalidakis, Ms Dunn, Mr Jennings and Ms Wooldridge.

Economic, Education, Jobs and Skills Committee — (*Assembly*): Mr Crisp, Mrs Fyffe, Mr Nardella and Ms Ryall.
(*Council*): Mr Elasmr, Mr Melhem and Mr Purcell.

Electoral Matters Committee — (*Assembly*): Ms Asher, Ms Blandthorn, Mr Dixon, Mr Northe and Ms Spence.
(*Council*): Ms Patten, Mr Somyurek.

Environment, Natural Resources and Regional Development Committee — (*Assembly*): Ms Halfpenny, Mr McCurdy, Mr Richardson, Mr Tilley and Ms Ward. (*Council*): Mr Ramsay and Mr Young.

Family and Community Development Committee — (*Assembly*): Ms Couzens, Mr Edbrooke, Ms Edwards, Ms Kealy, Ms McLeish and Ms Sheed. (*Council*): Mr Finn.

House Committee — (*Assembly*): The Speaker (*ex officio*), Mr J. Bull, Mr Crisp, Mrs Fyffe, Mr Staikos, Ms Suleyman and Mr Thompson. (*Council*): The President (*ex officio*), Mr Eideh, Ms Hartland, Ms Lovell, Mr Mulino and Mr Young.

Independent Broad-based Anti-corruption Commission Committee — (*Assembly*): Mr Hibbins, Mr D. O’Brien, Mr Richardson, Ms Thomson, and Mr Wells. (*Council*): Mr Ramsay and Ms Symes.

Law Reform, Road and Community Safety Committee — (*Assembly*): Mr Dixon, Mr Howard, Ms Suleyman, Mr Thompson and Mr Tilley. (*Council*): Mr Eideh and Ms Patten.

Public Accounts and Estimates Committee — (*Assembly*): Mr Dimopoulos, Mr Morris, Mr D. O’Brien, Mr Pearson, Mr T. Smith and Ms Ward. (*Council*): Dr Carling-Jenkins, Ms Pennicuik and Ms Shing.

Scrutiny of Acts and Regulations Committee — (*Assembly*): Mr J. Bull, Ms Blandthorn, Mr Dimopoulos, Ms Kealy, Ms Kilkenny and Mr Pesutto. (*Council*): Mr Dalla-Riva.

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Wednesday, 5 August 2015

The SPEAKER (Hon. Telmo Languiller) took the chair at 9.33 a.m. and read the prayer.

Mr Clark — On a point of order, Speaker, I wish to raise a point of order in relation to your ruling yesterday on the point of order raised by the member for Burwood in respect of an answer given by the Minister for Education. My submission will be that you should take these issues on board and give a more fulsome ruling after you have had an opportunity to consider them. My concern is that we have now had the opportunity of seeing *Hansard* of yesterday's debate, and in that context there is a concern that your ruling may inadvertently completely negate the operation of the new sessional order regarding your power to require a minister to give a written answer if an answer is not responsive to a question.

I refer you to the *Hansard* extract of what the Minister for Education said in responding to the supplementary question asked by the member for South Barwon. He had a two-sentence response:

That supplementary question is a poor reflection of the representation by the local member. It is a completely irrelevant, pathetic question that does not deserve an answer.

That would appear to be a direct refusal by the minister to answer the question, and that brings into issue the operation of the new sessional order. As you know, Speaker, in the absence of the sessional order there is a standing acceptance that:

- (5) The minister has discretion as to whether or not the question is answered;
- (6) Where a minister to refuses to answer, a reply cannot be insisted upon and supplementary questions are out of order.

That is from *Rulings from the Chair*, chapter 22, page 154.

However, my submission is that the clear intention of the new sessional order is to overturn that practice so that when a question is not answered, you, as Speaker, have the power to direct that an answer be given. I refer in particular to the media statement made on 27 November 2014 by the then opposition in announcing the policy that led to these new sessional orders. The statement reads:

Labor will end the Liberals' cover-up culture by giving the Speaker and the President the power to declare that a minister hasn't answered a question ...

My submission is that there is no clearer example of a minister refusing to answer a question than that which we saw yesterday from the Minister for Education. In that context my submission is that without further clarification your ruling yesterday would appear to completely negate the then opposition's, now government's, intention in bringing in the new sessional orders and make that new sessional order a complete farce. I believe no-one in the Parliament would want that to happen. Therefore I invite you to consider these issues further and make a more fulsome ruling in due course.

Honourable members interjecting.

Ms Allan — On the point of order, Speaker, I would probably agree with the member in that the issue that has been raised requires — —

An honourable member interjected.

Ms Allan — You are so respectful over there, aren't you? These issues require reflection, but I think we have to also look at this issue in the context of yesterday's question time. The point of order raised by the member for Burwood was raised at the end of question time. Sometimes — —

An honourable member interjected.

Ms Allan — If you were so concerned about the answer, it should have been dealt with at the time. The delay in raising the matter made things more complicated in addressing this issue. If members look at *Hansard*, as I have done, they will see that the Deputy Premier answered fully the substantive question. Let us remember it was a question about Labor's election commitment to build a new school in the Armstrong Creek community. The Deputy Premier answered the substantive question in detail.

The follow-up question, the supplementary question, was not a genuine attempt to elicit further information on behalf of the member's community. It was part of the theme that the opposition attempted to run yesterday — quite unsuccessfully, I would add — around the Deputy Premier. In his answer to the supplementary question the Deputy Premier reflected on the substantive question and answered the supplementary as was appropriate. He mentioned that in his contribution.

On reflection there is no matter in terms of the member being concerned that this undermines the new sessional orders — the sessional orders that those opposite opposed, the sessional orders that gave this house more scrutiny and the sessional orders that provide the

opposition with the chance to subject the government to more scrutiny. I would suggest that this point of order should not be upheld. There was no undermining of the sessional orders as a result of what happened yesterday. If the opposition were so concerned about these sessional orders, it would have supported them when we introduced them to the Parliament.

The SPEAKER — Order! On the point of order, I indicated to the member with whom I met late yesterday — if I may disclose that meeting — that I would undertake to look at this issue. I think it is an important matter for the house. From time to time we look at sessional orders — their implementation and whether or not we are conforming with the sessional orders as introduced into this Parliament. I indicated to the member that I would not have the time yesterday to look into it, but that I would come back to the house as soon as possible, which is still my intention, and I will do so. I apologise, but I have not had the time to carefully look into this matter. I will come back to the house in due course as soon as I am able to do so.

PETITIONS

Following petitions presented to house:

Ballarat City Council

To the Legislative Assembly of Victoria:

The petition of the people of Ballarat draws the attention of the house to a complete lack of confidence in the administration of the City of Ballarat by the chief executive officer and senior management in the conduct of their duties covering a wide range of issues.

The petitioners therefore request that the Legislative Assembly of Victoria instruct the Minister for Local Government to conduct a full and open public inquiry into the administration of the Ballarat City Council.

By Mr HOWARD (Buninyong) (888 signatures).

Eltham ambulance station

To the Legislative Assembly of Victoria:

The petition of residents of the state of Victoria draws to the attention of the Legislative Assembly the state of the Eltham ambulance station, which is in need of an extensive upgrade.

The residents of the state of Victoria note that the Victorian government has promised to spend \$20 million to upgrade nine ambulance stations across the state.

The petitioners therefore request that the Eltham ambulance station be one of the nine ambulance stations to receive the funds necessary to upgrade the station.

By Ms WARD (Eltham) (547 signatures).

Vermont Primary School

To the Legislative Assembly of Victoria:

The petition of Vermont Primary School draws to the attention of the house the inadequate facilities which presently exist at Vermont Primary School, situated at Nurlendi Road, Vermont, Victoria 3133, in the state electorate of Forest Hill.

Vermont Primary School is proud of the quality education it provides to its students and this is reflected in the increasing number of enrolments the school receives each year.

Regrettably, the facilities for both staff and students are inadequate to meet the demands of this popular and progressive school. The central administration and classroom wing of the school is in need of urgent and costly maintenance works, which often results in major disruption to both staff and students.

The petitioners therefore request that the Legislative Assembly of Victoria provide adequate funding to Vermont Primary School to rebuild its central administration and classroom wing, so that the high quality academic program can be matched with high quality facilities.

By Mr ANGUS (Forest Hill) (372 signatures).

Orchard Grove Primary School

To the Legislative Assembly of Victoria:

The petition of certain residents of Victoria draws to the attention of the house the inadequate facilities which presently exist at Orchard Grove Primary School, situated at 101 Orchard Grove, Blackburn South, Victoria 3130, in the state electorate of Forest Hill.

Orchard Grove Primary School is proud of the quality education it provides to its students and this is reflected in the increasing number of enrolments the school receives each year.

Regrettably, the facilities for both staff and students are inadequate to meet the demands of this growing school. The administrative and staff facilities are overcrowded, the toilets used by the senior students often require maintenance and there is insufficient room for the first aid facilities.

The petitioners therefore request that the Legislative Assembly of Victoria provide adequate funding to Orchard Grove Primary School to modernise the school, in particular, to upgrade the administrative and staff facilities, including the toilet and first aid facilities for both staff and students.

By Mr ANGUS (Forest Hill) (478 signatures).

Jetty Road, Rosebud

To the Legislative Assembly of Victoria:

The petition of the residents of the electorate of Nepean points out to the house the extremely dangerous traffic conditions at the intersection of Jetty Road, Rosebud, and the terminus of the Mornington Peninsula Freeway.

The petitioners therefore request that the Legislative Assembly of Victoria, in accordance with the VicRoads Point

Nepean Road Study, urgently approve funding for the Jetty Road overpass in order to relieve the congestion on local roads at the current terminus of the Mornington Peninsula Freeway.

By Mr DIXON (Nepean) (137 signatures).

Port of Melbourne lease

To the Legislative Assembly of Victoria:

The petition of the residents of the electorate of Nepean points out to the house the disastrous consequences to both our local environment and economy should the current port of Melbourne lease be allowed to continue as currently planned. Without an alternative container port constructed for the next 70 years as outlined in the Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Bill 2015 then the government will have no option but to destroy the Port Phillip Heads Marine National Park in order to allow access for the ever-increasing size of container ships.

The petitioners therefore request the Legislative Assembly of Victoria:

1. Immediately recommence funding the Port of Hastings Development Authority to continue with environmental and other preliminary studies for that site.
2. Categorically rule out any further excavation, blasting, grinding or removal of rock to widen or deepen the shipping channel at Port Phillip Heads which will be required in order for the port of Melbourne to receive new ships with draughts deeper than 14 metres.
3. Place the current lease legislation on hold until Infrastructure Victoria determines the matter in accordance with commitments made by the government prior to the election.

By Mr DIXON (Nepean) (92 signatures).

Tabled.

Ordered that petition presented by honourable member for Buninyong be considered next day on motion of Mr HOWARD (Buninyong).

Ordered that petitions presented by honourable member for Nepean be considered next day on motion of Mr DIXON (Nepean).

Ordered that petitions presented by honourable member for Forest Hill be considered next day on motion of Mr ANGUS (Forest Hill).

DOCUMENTS

Tabled by Clerk:

Auditor-General:

Follow up of Collections Management in Cultural Agencies — Ordered to be published

Follow up of Management of Staff Occupational Health and Safety in Schools — Ordered to be published

Follow up of Managing Major Projects — Ordered to be published

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

Macedon Ranges — C89

Melbourne — C215, C240

Nillumbik — C88

Statutory Rule under the *Dangerous Goods Act 1985* — SR 91

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 91.

MEMBERS STATEMENTS

Werribee Mercy Hospital

Mr PALLAS (Treasurer) — I rise to speak on the Andrews government's action in addressing the increased demand and pressure being placed on Werribee Mercy Hospital. The Andrews government has committed \$85 million to developing 6 new operating theatres and 64 new hospital beds, 8 of which will be critical care beds. This will revolutionise the capabilities of Werribee Mercy Hospital and will greatly reduce wait times as well as expanding the range of services available to residents in my electorate of Werribee and also in the greater community of Wyndham.

Combined with an extra \$59 million statewide to reduce emergency waiting times, this will ensure that residents get the treatment they deserve, on time. Importantly, this increased funding also ensures that there is adequate support for the dedicated staff of Werribee Mercy, whom I had the pleasure to meet before the house rose for the winter break. At the hospital I heard firsthand how this upgrade will allow these highly skilled professionals to do their job as effectively as possible and also provide high-quality care to the people of Wyndham.

Two years ago I addressed this house and highlighted the failure of the former coalition government to address the need for greater funding for the Werribee Mercy Hospital, and two years on the Andrews Labor government has delivered for the needs of Wyndham's growing population.

Hawthorn Community Chest moonlight ball

Mr PESUTTO (Hawthorn) — On Saturday, 25 July, I attended Hawthorn Community Chest's

moonlight ball at the Hawthorn town hall. Hawthorn Community Chest is one of Hawthorn's proudest achievements. It has been serving the area for over 50 years and comprises local residents and businesspeople who are committed to assisting local residents with health, education and general welfare matters.

With nearly 300 people in attendance, the evening was a tremendous success and raised substantial funds, assisted by the sponsorship of the City of Boroondara, represented by mayor Coral Ross. On behalf of the Hawthorn electorate, I congratulate the dynamic Hawthorn Community Chest committee: president Richard Jones, executive officer Fiona Waring, vice-presidents Sarah Curtis and Andrew Tait, secretary Terry Pacini and treasurer David Gorton, as well as Jane Nathan, Caroline Touzeau, Andrew Gill, Lisa Fletcher, Jo Rush, Stephen Gorman and patrons the Honourable Josh Frydenberg and the Honourable Ted Baillieu.

Fair go, sport!

Mr PESUTTO — On Saturday, 1 August, I was honoured to attend Camberwell Hockey Club to participate in its Fair go, sport! round. I presented the best and fairest medals after watching a highly competitive contest between Camberwell and Altona. In the spirit of the Fair go, sport! initiative, it does not matter who won; what matters is that both teams and clubs demonstrated their commitment to fair play, good sportspersonship and mutual respect on the field.

The Fair go, sport! round is an initiative of the Victorian Equal Opportunity and Human Rights Commission to promote understanding about gender diversity and to eliminate discrimination. It was ably and passionately represented by Peter Gourlay. I congratulate the players and both clubs — indeed all clubs — who participated. In particular I acknowledge Rosemary Kelly, a board member of Camberwell Hockey Club, and her colleagues club president Harry Drakos, Steve Prior, Ellen Williamson, Stuart Will, Narelle Richardson, John Unkles and Richard Harris.

Embrace Diversity campaign

Mr SCOTT (Minister for Finance) — The Victorian government has launched Embrace Diversity, a campaign to engage people across our community in a broad conversation about the benefits of our diversity. The campaign is employing social media and other channels for people to show their support for our successful multicultural society. By doing so it is possible for people across all areas of our society to join

the conversation. I urge all members of this house to participate in the campaign.

Partners in the campaign include the AFL, Netball Victoria, Football Federation Victoria, Twitter Australia, Facebook, Google Australia, Australia Post, Australian Super, the Victorian Employers Chamber of Commerce and Industry, Westpac, the Victorian Trades Hall Council, the Melbourne Writers Festival and the Scanlon Foundation. The campaign aims to reach out to the broadest possible audience to bring the Australian community together in support of social harmony and diversity. The campaign was launched to coincide with this year's AFL multicultural round and has already received considerable corporate and community support.

Embracing diversity is about recognising someone for who they are regardless of their age, gender, sexuality or cultural background. No matter what our cultural heritage is or where we are from, celebrating our diversity is what makes us great. We cannot take this for granted. Diversity is very precious, and harmony can be fragile. We are all different people but part of one community. Everyone has the right to be included and to belong. Promoting social harmony and cohesion is an ongoing responsibility of all of us, and Victoria has a wonderful tradition of bipartisan support for multiculturalism. I hope all members of this house will embrace the Embrace Diversity campaign.

Anglican Parish of St Stephen and St Mary, Mount Waverley

Mr GIDLEY (Mount Waverley) — I rise in the Parliament to recognise the sesquicentenary of the laying of the foundation stone of St Stephen's Anglican church in Mount Waverley. Since 1865 this church has contributed so much in many different ways to Mount Waverley. On Sunday, 26 July, I joined many local residents for a service to recognise 150 years of faithful service and worship as well as to discuss this significant milestone over a light lunch. I congratulate the church, the organising committee and all who have put in so much time and effort in organising the wonderful celebrations.

Mount View Primary School art show

Mr GIDLEY — Today in the Parliament I congratulate Mount View Primary School on its 31st annual art show. In recent years I have been fortunate to attend the show and see high-quality artworks as well as truly professional and dedicated members of the school community driving the show's success. I acknowledge and thank principal Colin

Dobson, art show convenor Sue Gadler-Hele and everyone involved in organising and delivering such a high-quality art show.

Monash Business Awards

Mr GIDLEY — Today in the Parliament I recognise and thank the Monash Business Awards committee, which organises the Monash Business Awards. These awards are important in encouraging business success and recognising business achievement in the city of Monash. I also congratulate the Monash business of the year, SECUREcorp. Winning the Business of the Year Award is an outstanding achievement.

Chinese delegation

Mr GIDLEY — This morning in the Parliament I outline how pleased I was to join in receiving a delegation from Jiangsu Province on Tuesday, 30 June. As co-chair of the Victorian Parliamentary Friends of the People's Republic of China, I have a strong belief in the importance of the relationship between the People's Republic of China and Victoria. I will continue to work in my parliamentary duties to build this relationship wherever I possibly can.

Jeanieboy Dream Catchers

Ms WILLIAMS (Dandenong) — I recently had the pleasure of attending the launch of the Jeanieboy Dream Catchers netball mentoring program at Lyndale Greens Primary School. The program is a fantastic initiative that provides a no-cost empowerment and wellbeing program designed to use netball to inspire young girls while tailoring workshops around healthy lifestyles, goal setting and reducing risk-taking behaviour within their own schools and netball communities. The program is in its fourth year, and with the support of the Andrews Labor government it is extending into five regions across Victoria, with the mentoring program now branching out into primary schools. This was a promise we made before the election, and I am proud to say we have again delivered.

At the launch I had the opportunity to meet with the program's director, elite netballer Sarah Wall. We discussed our shared love of netball and the importance of providing opportunities for young girls to participate in healthy activities. Sarah explained her passion for the program and the importance that sport and team activities play in empowering young girls by giving them the confidence and skills to tackle the challenges they will face through adolescence.

It was clear that the children were thoroughly enjoying the program while learning important life skills under the guidance of the Dream Catchers mentors. Programs such as this are crucial to ensuring that young people grow up to be confident and healthy members of society. This is particularly the case in electorates like Dandenong, where schools comprise many different cultures and great diversity. Sport and healthy activities like those offered through the Dream Catchers program can provide a great boost to a child's confidence and self-esteem. They also provide young girls with an opportunity to build important lasting friendships. It was a pleasure to be part of the launch of such a fantastic initiative. I would like to thank Sarah and the Dream Catchers team.

Public holidays

Mr BLACKWOOD (Narracan) — I take this opportunity to support my local business owners, who are now faced with the prospect of two extra public holidays. A very good example of the impact of the stupidity of the Andrews government has been provided in information given to me by a local winery that operates a restaurant and cellar door business. The business employs 10 full-time staff, 4 permanent part-time staff and up to 20 casuals during peak periods and is very successful, having won many state and regional awards.

On the grand final eve public holiday, penalty rates will increase from normal rates by two and a half times, and this will result in substantial losses. It will mean a huge increase in wages from an average of 30 per cent of turnover to 75 per cent and losses for the day of around 30 per cent. The restaurant will therefore have to be closed, with the following consequences: permanent staff still have to be paid, meaning a direct loss of approximately \$2000 to the business, and up to four permanent part-time staff and six casuals will not have a job on that day.

On the Easter Sunday public holiday, penalty rates will increase from one and a half times the normal rate to two and a half times the normal rate. Sunday is the business's biggest trading day, and it will have to try to keep the restaurant open to keep faith and continuity with its customers.

The Premier says every single job counts. He has no idea how a business operates and clearly does not care. The stupid decision to introduce two extra public holidays is going to cost thousands of jobs, so it is about time the Premier got fair dinkum.

Buninyong electorate men's sheds

Mr HOWARD (Buninyong) — This morning I want to talk about the great things happening in men's sheds across my electorate. Men's sheds can be very beneficial in bringing men together, and I have seen how they can reduce social isolation for many men by engaging them in activities of interest that involve them in their community. I am also very pleased that the former Bracks government recognised this and established a grants program to support the establishment of new men's sheds. I am pleased that the financial support was continued under the former government and again under the Andrews Labor government.

I was pleased to officially open the new Buninyong Men's Shed on 13 June. This group has 35 members, some with great skills which they are able to share with other group members. In addition to receiving government funding, this men's shed received funding from the Buninyong & District Community Bank along with support from a range of local businesses and individuals.

I have been pleased to work with the Sebastapol Men's Shed group and the Dereel Men's Shed group that have been recently established, both gaining support from Ballarat Community Health. I have recently met with a group of Linton residents who are also working to establish a men's shed in Linton. I wish these and other men's shed groups in my electorate a very positive future and congratulate all involved in the support of these very important groups.

Babes Project

Mr HODGETT (Croydon) — I rise to speak of the wonderful work of a committed group of people with the Babes Project, which establishes pregnancy support services and accommodation for women and children in the prenatal period. The Babes Project believes that all women should have access to the information, support and understanding needed for them to make great decisions regarding their lives and those of their children. The Babes Project is involved in pregnancy and parent support work and includes referrals to external services and education, counselling, first-aid classes, nutrition, social groups and antenatal and prenatal parenting information.

The Babes Project operates through the generosity of its supporters. The group is based in Croydon, and there are endless examples of the terrific work it does. I cannot speak highly enough of the dedicated, professional, sensitive, caring and hardworking people

who are involved with the Babes Project, in particular Helen Parker, who is an inspiring woman. Equally I applaud those who supported this group to get it established in Croydon and to allow it to continue its great work. Demand for its services continues to grow, and there is a massive waiting list. The Babes Project wants to expand to other locations in the south-eastern area of Melbourne.

I call on the Premier to meet with Helen Parker to explore extra funding, grants, buildings et cetera to allow the valuable Babes Project to expand to a second location. The Babes Project has grown so much over the past three years. It has now worked with over 300 women, and it believes that this model is worth replicating.

Sean Brien

Mr EREN (Minister for Tourism and Major Events) — Recently I had working in my office a work experience student from Geelong Baptist College, Sean Brien. As is my usual practice, I asked him to write a 90-second statement for me to present to the Parliament about the issues most concerning him. This is what he said:

According to the Australian Bureau of Statistics, 23 per cent of all young people between the ages of 15 and 24 have used illicit drugs.

How in this day and age, with near unlimited access to information on the effects of drug and alcohol use, is this the case?

Recently there was an article in the *Geelong Advertiser* about 16-year-olds going to parties where drugs are offered as freely as lollies and then there was the horrible article about the 13-year-old girl who turned to prostitution to fund her addiction to ice.

When people my age and younger are so heavily exposed to drugs like this, it is extremely likely that they are going to try them.

Peer pressure is something that everybody has to deal with at one time or another in their lives, however, when it comes to drugs this is unacceptable.

Teenagers are becoming addicted to drugs simply because they felt pressured into trying them by their mates. Nobody should have to grow up in an environment where addictive drugs are seen as a normal thing, something to be experimented with at parties.

In conclusion, nobody should ever have to deal with drugs in their lives, least of all children and young people.

Action needs to be taken to stop more naive teenagers from falling into the trap of illicit drug use.

Young people deserve long, happy lives, free from the horrors of drugs.

Unconventional gas

Ms SANDELL (Melbourne) — I rise today to congratulate over 60 Victorian communities who have declared themselves gas field free. Victoria is currently covered by over 400 000 hectares of approved coal, coal seam gas, tight gas and shale gas exploration licences. But in communities across Victoria, farmers stand shoulder to shoulder with environmentalists, health professionals, people in tourism and locals in calling for a permanent ban on unconventional gas, fracking and coal seam gas.

Unconventional gas is not a clean option. Gas is a fossil fuel, emitting toxic pollution and greenhouse gases. It has been shown to have a damaging effect on groundwater and aquifers. We do not need this industry, especially when instead we could make a direct transition to renewable energy. There is simply no reason to risk our prime farmland and our water supply or to allow a dangerous and polluting industry to destroy existing economies in regional Victoria. Recent polling across the state shows a clear majority are opposed to coal seam gas and fracking. It is a vote-changing issue.

Many states and countries across the world have introduced bans on unconventional gas after seeing the devastating impacts on water, health and farmland. In Victoria we have the opportunity to avoid these detrimental impacts by ensuring this toxic industry does not get a foothold in our state.

I commend the efforts of local communities, farmers, the Lock the Gate Alliance, the Gippsland Alliance, the Otway Basin Alliance, the Western District Alliance and others who are standing up for our farmland, environment and people. I hope Labor, the Liberals and The Nationals will heed their call and will join the Greens in supporting a permanent ban on unconventional gas in Victoria.

Adam Goodes

Ms HUTCHINS (Minister for Local Government) — Today I rise to speak of a man, a footballer, and a hero; a dual Brownlow medallist whose courage and spirit inspire those both on and off the field; an Australian of the Year whose sense of pride in his culture has galvanised pride in his community and in his fellow Australians: of course I speak of Adam Goodes. Unfortunately despite all of these accomplishments we have recently seen what can only be described as racism, bigotry and sheer ignorance directed at Adam.

As Minister for Aboriginal Affairs it has been disheartening and as an Australian it has been devastating, because Aboriginal history and identity deserves to be recognised — and it deserves to be respected. While we have seen an utter lack of leadership from the federal government, we have seen an abundance of leadership from our broader community — from Adam, his teammates and his club; from other AFL clubs; and from Aboriginal leaders and the Aboriginal community. As recently as last night a flash mob war dance was held in Federation Square, coordinated by Richard Franklin.

Adam recently confirmed that he will be returning to the game, saying he had been feeling the love. I hope that is true, because he is truly loved. When he takes his rightful place on the field on Saturday in Geelong, I hope he knows that I and many others will be cheering him on — as a man, as a footballer and as a hero.

Gippsland South electorate community facilities

Mr D. O'BRIEN (Gippsland South) — We will be seeing the legacy of my predecessor in the seat of Gippsland South, Peter Ryan, for many years yet. Two projects that stand out were officially opened last week, and I had the pleasure of attending both of them. Sale's new \$15 million police station was officially opened by the Minister for Police with Chief Commissioner of Police Graham Ashton and a host of other top brass. I acknowledge that the minister was very generous in his praise of the work of Peter Ryan in getting that project up and running. Local police are already very happy with their new digs and tell me that potential recruits are attracted to Sale because of the new state-of-the-art station. It is a fantastic facility, and it will be great for the people of Sale.

Yarram is another area that is seeing the fruits of the work that Peter Ryan did, this time through funding for the Yarram and District Hub, which incorporates a library; the Yarram Early Learning Centre, which has kindergarten and childcare facilities; and the Wellington Shire Council Yarram Service Centre; as well as maternal and child health. The centre and the new community childcare service are making a big difference to the lives of Yarram families. This project got off the ground with \$3.3 million from Wellington Shire Council and in particular \$1.95 million from the state government in 2013, all through the efforts of Peter Ryan as a minister and local member. More particularly, both of these facilities will be great for the local community. The new childcare centre in Yarram currently has 40 enrolments with the capacity to go up to 54, and I understand that there is increased interest in

that kindergarten going forward. It is a great facility, and it will be welcomed by the community.

Victorian School of Languages

Mr BROOKS (Bundoora) — As a harmonious and tolerant multicultural society Victoria celebrates the many cultures that make up our vibrant community. A key part of our diversity is the wide range of languages learnt in our schools. In fact Victoria has the highest participation rate in languages of any state. An essential part of language education in Victoria, the Victorian School of Languages celebrates its 80th anniversary this year.

The Victorian School of Languages began in 1935, teaching Italian and Japanese on Saturdays at Mac.Robertson Girls High School. It has grown and expanded to now offer over 40 languages to 13 000 students in face-to-face classes across the state and 1400 students through distance education through the government, Catholic and independent school sectors. I have had the privilege of attending the school's Victorian certificate of education awards evening and have visited the school's main campus in Thornbury to witness firsthand the dedication of school staff.

The Victorian School of Languages is a great example of the power of government education in providing an irreplaceable service to Victorian students and our wonderfully diverse multicultural community. I commend all who have contributed to the school over the 80 years, in particular the school councillors, staff and current principal, Mr Frank Merlino. Let us hope that the Victorian School of Languages grows bigger yet over the next 80 years.

Mount Buffalo Chalet

Mr McCURDY (Ovens Valley) — It is with deep concern that I raise the issue of the Mount Buffalo Chalet in this place. This iconic building was thrown a lifeline by the former coalition government to the tune of \$7.5 million. It now appears that the current Labor government is looking for ways to walk away from this commitment, and the Bright and Ovens Valley communities will not stand for this. It appears that money set aside for a capital rebuild is being used for maintenance. While the city-centric Labor government sits on its hands, this grand old lady deteriorates. Community Action for the Chalet will not stand by and let this magnificent part of the north-east's history simply fade away and die. The rescue package that was secured must be used to rebuild now.

Bright United Men's Shed

Mr McCURDY — It was a pleasure to visit the Bright United Men's Shed Incorporated, also known as BUMS. BUMS was established with the support of Alpine Health, the Alpine Shire Council and many community businesses to provide a venue and a range of activities focused on men's wellbeing. BUMS is one of over 600 sheds that have sprung up in communities across Australia in the past few years. The successful Australian men's shed initiative is now spreading around the world. At the Bright Men's Shed activities include snooker, cards and computers, and there is a library and a lounge. There is also a teaching kitchen, and cooking, woodwork, wood turning and welding classes. Members work on personal projects, shed projects and community projects.

Clean Up Australia Day

Mr McCURDY — Recently I joined with Yarrowonga Yacht Club members to clean up around Lake Mulwala as part of a Clean Up Australia Day event. The club volunteers did a great job picking up rubbish around the lake's edge to ensure that locals and visitors can look forward to a safe and clean spring and summer on the lake. The drained lake was cleared of many bags of rubbish. Well done to all involved.

Wangaratta Relay for Life

Mr McCURDY — When a toilet turned up in my electorate office recently, I was a little concerned. It turns out the travelling toilet is a fundraiser for Wangaratta Relay for Life —

The DEPUTY SPEAKER — Order! The member's time has expired.

Coburg High School

Ms BLANDTHORN (Pascoe Vale) — I rise to acknowledge and recognise the fabulous Coburg High School community. This is a dedicated and visionary school, with a dedicated and visionary leadership team. Last week I had the opportunity to take the Deputy Premier and Minister for Education to visit the school and the school community. In particular I want to acknowledge principal Don Collins, assistant principal Catherine McMahon, senior school representatives Con and Rachele and the first junior school representatives Faiza, Stanley, Stefan and Yasemyn. The senior and junior school leaders are very impressive young people who are very clear about what they want to see in their school community and what they want to achieve in the future.

During this tour we were able to see firsthand the innovative methods used to deliver the curriculum, which stretches from the way the school has embraced new technologies to the way it uses physical spaces. The school is very much at the cutting edge of education delivery. The school has become a pioneer in the education sector for the way in which it has embraced new technologies and transformed its learning spaces. Indeed principal Don Collins is routinely called upon by representatives from other school communities, both domestic and international, who are keen to learn from and replicate the school's innovative approach.

The school also places a strong emphasis on student wellbeing and has a first-class mentoring program and personalised learning plans. I particularly want to thank the student leaders and the school community for their time last week.

Fire services review

Ms STALEY (Ripon) — In the last week we have seen the Andrews Labor government announce a review into the operations and other aspects of the Country Fire Authority (CFA) and Metropolitan Fire Brigade (MFB). There are 95 volunteer CFA brigades serving the communities of Ripon. Ripon — as all in this place should know — takes in some of the most fire-prone country in the world. The CFA volunteers do a magnificent job, but they are cautious and concerned about the future. My view is that there should be some concern.

This is clearly a Labor-driven agenda, with the unions heavily influencing it. In the terms of reference, the four unions are listed ahead of Volunteer Fire Brigades Victoria on the list of key stakeholders. Heading up the inquiry is David O'Byrne, a former Labor MP, a former head of United Voice and a lifelong trade unionist. Any reduction in volunteer authority in my electorate will put communities at risk and must be ruled out by the government.

Court safety

Ms STALEY — Recently the shadow Attorney-General and I visited the Ararat, Stawell, St Arnaud and Maryborough court houses to highlight safety concerns for victims, witnesses and staff. While conditions vary, there is a manifest lack of separation of the accused and other court participants. This has resulted in family violence victims standing in the cold outside courthouses with the men they accuse. It has also resulted in people high on drugs entering the St Arnaud court house through the single door all must

use. The former government recognised the growing problems and made a start with funding. More must be done. We must not wait for the result — —

The DEPUTY SPEAKER — Order! The member's time has expired.

McKinnon Secondary College

Mr STAIKOS (Bentleigh) — It was such a pleasure to be at McKinnon Secondary College recently to see its production of the *Little Shop of Horrors*. It was a gripping production and I congratulate all involved, particularly those behind the way that the human eating plant, Audrey II, grew on stage before the audience's very eyes.

McKinnon Secondary College is a school that excels in absolutely everything it does and the performing arts are no exception. Seventy-five per cent of the student population — which is currently at 1950 — is involved in a music program at the school. This is commendable and testament to the hard work of the teachers. Congratulations to the fantastic cast, particularly David Yarrow, Emily Holding, Ryan Etlis, Alex Henry, Jordan Walters-Brown, Sarah Andrew, Gabrielle Etlis, Natalie Lock, Ella McEwen and Jess Osburn.

I particularly enjoyed Alex Henry's portrayal of the Steve Martin mad dentist character, which literally left the theatre in stitches.

My community is very proud of McKinnon Secondary College. It is one of the most well-regarded schools in the state. It is now more than 60 years old. A former Labor government funded the first stage of the rebuild. I am proud that it this Labor government that is getting on with the job of building the next stage.

East Burwood Preschool

Mr ANGUS (Forest Hill) — I recently had the pleasure of attending the East Burwood Preschool to participate in its National Tree Day activities. It was great to join with the staff, parent volunteers and enthusiastic three-year-old children in planting trees and shrubs. There were many very eager gardeners, appropriately equipped with gloves, small spades and a range of plants. Well done to all involved, and I look forward to seeing the plants grow in the years to come.

Holy Saviour Primary School

Mr ANGUS — I recently had the great pleasure of attending the Holy Saviour Primary School annual production, which this year was entitled *Moving On*. It was a fantastic production incorporating acting, dancing

and singing, and also containing a great message. I congratulate the students on this outstanding production, together with the acting principal, Megan Escalante, and the many teachers and volunteers involved in staging the production.

National Tree Day

Mr ANGUS — As part of the National Tree Day activities, I was pleased to join with fellow residents to plant trees and shrubs at Tyrol Park in Vermont South. It was great to see so many local residents and two of the local scout groups working hard, despite the very cold and windy morning. This activity was organised by the City of Whitehorse, and I congratulate the council's ParksWide team led by Wayne de Fraga for their work. The hard work by all involved resulted in over 3000 trees, native plants and shrubs being planted and a local park being transformed in just a few hours.

Indian Independence Day

Mr ANGUS — On 15 August Australians of Indian background will celebrate India's Independence Day, which commemorates India's independence and celebrates freedom and friendship. Independence Day is an opportunity for us to be thankful and proud of the deep friendship forged between our two nations. The state of Victoria, and indeed my electorate of Forest Hill, are made far richer by the presence of Indian Australians, who make an outstanding contribution to our community and state across many fields of endeavour. I wish all residents of Indian descent in my electorate of Forest Hill well for this important celebration.

Government performance

Mr ANGUS — Despite claims by the Premier that he will deliver on each and every election commitment, we can see that this has not happened when we look at the pre-election claims of Labor in relation to the future of Victorian ports.

The DEPUTY SPEAKER — Order! The member's time has expired.

Ulumbarra Theatre, Bendigo

Ms ALLAN (Minister for Public Transport) — Bendigo's Ulumbarra Theatre is a magnificent new facility that has seen the construction of a 1000-seat theatre on the former Bendigo jail site. The workers who built this theatre have done a great job. However, I am deeply concerned that a number of Bendigo-based subcontractors have not been paid by the head contractor, Contract Control Services, for the work they

have done. This has caused great distress to a number of companies. Representatives of some of these businesses have told me that people have lost their jobs because their businesses have not been paid by Contract Control Services.

As this project was managed by the Department of Education and Training, I have raised this serious matter with the Minister for Education and his office/ I have also spoken to senior department staff to urge them to get a resolution to this issue. I appreciate the swift action from the minister and his department. They have sent in a special negotiator, who has spoken to all of these subcontractors and is wanting to get to the bottom of this matter. I understand his work and report are close to being finalised. These contractors must be paid for the work they have done. It is unacceptable that they are out of pocket for the work they have done. I will continue to pursue this matter with the minister and his department. It is unfair on the workers and the subcontractors, who should rightly be proud of the job they have done in making a great contribution to our city.

Reverend Stuart Young

Ms McLEISH (Eildon) — I wish to acknowledge the recent passing of the Reverend Stuart Young. Stuart was a lieutenant in the Army Reserve and held the special role of Padre at the Yea-Kinglake RSL. He was held in high regard by all at the RSL and in the wider community. He was a true gentleman whose caring presence will be greatly missed. My thoughts are with Val, Andrew, Kate and families.

Murrindindi Beanie Festival

Ms McLEISH — I attended the inaugural Murrindindi Beanie Festival in Alexandra on a freezing weekend in mid-July. Described as creative, clever and crafty, the festival drew impressive attendance figures. A group of like-minded women got together and generated some great ideas. Their concept was different but simple. Supported by Made in Murrindindi Inc., the organisers either created or organised others to create a wide array of handmade beanies. All beanies were donated to the festival and then sold or auctioned, with the funds raised going to support local charities.

Ranging from classic Fair Isle to the quirky and colourful, including some resembling animals, there was something for everyone. Knitted, crocheted and felt beanies were the most common, but I did see one made out of bread bags. Who would have thought! Bronwyn Britton, Denise Fiddes, Leisa Lees, Pam Petersen,

Sarah Southam, Carolyn Weeks and Sue Wynn are to be congratulated on their wonderful effort.

Pink football and netball round

Ms McLEISH — I attended the pink football round at Healesville Football & Netball Club on the weekend. I loved the pink jumpers and the pink lines on the field. Thanks to president Felix Fraraccio, who was dapper in his pink French cap, and a huge thank you to Kym Estcourt, who contributes an enormous amount always, despite the challenges of juggling netball — on and off the field — with five kids and breast cancer. Kym is an amazing person and an inspiration not just to all at the football club but to all women.

STATEMENTS ON REPORTS

Public Accounts and Estimates Committee: budget estimates 2015–16 (hearings alert)

Mr McGUIRE (Broadmeadows) — I propose a plan for creating opportunity from adversity to address the crucial national issue of housing affordability in one of Victoria's fastest growing areas. This is in response to the Public Accounts and Estimates Committee inquiry into budget estimates, and I am particularly looking at what we can do for interface areas. The area I am talking about is my community of Broadmeadows.

This is about a tale of two cities and one community — about how Broadmeadows can be at the top of the affordable housing list but at the same time be looked at as of one of the postcodes of disadvantage and about how we can come up with a better plan to address these issues. We have the opportunity to look at what can be done for housing affordability in Broadmeadows from a national perspective. This is a community within 20 kilometres of the centre of the world's most livable city. It has great transport networks and vast acres of housing commission estates that were built when Broadmeadows was established literally as a suburb to house the factory fodder for the manufacturing era that underwrote generations of prosperity in this country. I have gone back to a 1956 royal commission inquiry into the way the housing commission was established. The report of the inquiry went to the importance of housing and says:

The point which must be stressed here is the indirect cost to the community of inadequate housing. No one can say just what this amounts to in terms of money and human misery, but it is undoubtedly tremendous. Poor housing conditions result directly in physical illness and indirectly in tensions and dissatisfactions which cause broken homes, drunkenness and juvenile delinquency, leading to vice and crime. In this connexion, poor housing conditions do not necessarily mean small frontages, leaking roofs and lack of facilities. It may

involve a solid structure, put up in the wrong place, without thought to the requirements of life other than mere shelter.

That was the 1956 *Report of the Royal Commission to Inquire into the Operation of the Housing Acts of Victoria and the Administration of the Housing Commission*. A number of these houses still exist, and they are well past their use-by dates. However, they give us an opportunity to take a big picture view and ask how we might be able to unlock value from their quarter-acre blocks instead of having an ad hoc repair strategy. This is an opportunity to create a proposal for a better vision and a better plan from a regional perspective. I offer Broadmeadows as a case study for how we can do this for all of the old housing commission estates.

This is a situation in which you need to follow the path to see what has happened in these postcodes of disadvantage, and we already have an example of how it can work. A public tender was announced for development of private-public-social housing in the Mews section of Broadmeadows. It was won by Australand, and the new homes look great, people are enjoying them and they are of much greater value to the community than the old commission estates. Treasurer Tim Pallas will be attending my economic and cultural development summit next week to discuss the broader perspective of housing affordability, and I think this case study will be a critical ingredient in how we deliver a bigger and better future for our community. We have to look at how we can attract new industries and new jobs as well — we need to have those — but this is a way we can develop a regional plan for boosting these areas and providing these communities with hope.

This only happens when we have enlightened governments. History tells us this only happens under Labor. The Bracks and Brumby governments regenerated all our schools, which was fantastic, and we also had neighbourhood renewal strategies. Through lived experience, by observation and by reading the work of Nobel prize winning economist Joseph Stiglitz, who wrote about the price of inequality, we know these are the consequences. We have to address this, we have to put it on the agenda. I am offering Broadmeadows as a case study for how we can bring the different players together for a coordinated and collaborative approach. The only power structure not at the table is the Australian government. I again ask it to be part of the future, not part of the past.

**Public Accounts and Estimates Committee:
budget estimates 2015–16 (hearings alert)**

Ms STALEY (Ripon) — Today I rise to speak on the transcripts of the Public Accounts and Estimates Committee (PAEC) budget estimates hearings, and my focus will be on the appearance of the Minister for Health at the hearings. As I prepared for today's contribution I looked at the transcript of the minister's presentation and the questions that arose from that. There was a strong focus by the committee on trying to understand the additional costs to the health system and to the hospitals of Victoria of the additional public holidays. The member for Gippsland South, whom I note is in the chamber, repeatedly sought information from the health minister in relation to these costs. He asked questions in a number of ways to try to find out how we could know the overall number, but apparently it could not be disaggregated down into individual ministries.

As I read the transcript, it does seem that the health minister was poorly prepared for her appearance at the hearings. It must not be just the former small business minister who was poorly prepared, because the health minister was not only unable to answer as to how much the public holidays will cost — we know it is significant — but she said:

The funding of all the various price increases are always funded in our base ... It will all be allocated in the WIES —

that is, the weighted inlier equivalent separation —

price that we negotiate for different activities with our health services.

However, the thing is that for the WIES price it has to be there already, and that was the point that the member for Gippsland South tried to make, but he could not get an answer. We ended up having the member for Kew trying to seek additional clarification, and he quite succinctly went to the heart of it. he said:

I think we are seeking a number, Chair — a specific number. All we get is waffle. We want a number.

Mr D. O'Brien — He said that a lot.

Ms STALEY — He did, and the member for Mornington, the deputy chair of the committee, also had a go and made the point:

The minister is not presenting any information at all.

We then moved on to deal with the capital base funding for health in this year. Again the member for Gippsland South was extremely well prepared, and he noted that there was an amount of \$10 million in the budget to

fund the catheterisation laboratory at Ballarat. That is a bipartisan commitment; both sides made that commitment and it will be great when we get the cath lab up and running in the Ballarat hospital. The minister noted that there was also an additional \$1 million in advance planning for the Goulburn Valley Health Service, but that was it. Some 1.9 per cent of capital funding for hospitals is going to rural Victoria. Once again country Victorians are being duded — only 1.9 per cent when we have significant health problems.

I note the member for Broadmeadows has just made a quite thoughtful contribution regarding disadvantage in his electorate. My electorate has significant disadvantage and very poor health outcomes, yet what we are seeing is that this Labor government is not funding the health services that we need across country Victoria. In fact the health minister agreed with the member for Gippsland South and said that she did not contest his mathematical abilities at all.

Mr D. O'Brien — They're very good.

Ms STALEY — I am sure they are very good. In my remaining time I will turn specifically to the cut to the Rural Capital Support Fund. This was not in the budget; Labor has cut this fund. Quite simply, patient safety requires modern equipment, and country hospitals fund their modern equipment through the Rural Capital Support Fund. There is insufficient money through the WIES funding model for many small country hospitals, so a cut to the Rural Capital Support Fund is a cut to patient safety in country hospitals. This government is putting patient safety last.

**Environment, Natural Resources and Regional
Development Committee: Country Fire
Authority Fiskville training college**

Mr PEARSON (Essendon) — I am delighted to join the discussion on committee reports, and I will talk about the Environment, Natural Resources and Regional Development Committee (ENRRDC) interim report on its inquiry into the Country Fire Authority training college at Fiskville.

Firstly I commend the members of the committee for the great work they did. It was a very long and arduous process, and this is just the interim report. The member for Eltham, who is not in the chamber at the moment, was a member of both the ENRRDC and the Public Accounts and Estimates Committee, and it was enormously time consuming for her to be on both committees at the time when we were doing budget estimates as well as the Fiskville inquiry. She made a fantastic contribution to the work of this committee, as

is reflected in this report. I am also delighted that the member for Frankston, who is a former career firefighter and a current volunteer, is in the chamber. He made a confidential submission to the inquiry.

The inquiry was a big task and hard work for the committee. Having looked through the report, I commend and congratulate the members of the committee on the way in which they went about their task of preparing the report and on the recommendations they elicited as a result of their work.

Firefighting is a very hazardous — dangerous — occupation. I am old enough to remember the firefighter lives that were lost on Ash Wednesday in 1983, and I remember the Linton blaze in 1998, where members of the Geelong West brigade lost their lives. What is less well known is the fact that firefighters tend to have a higher incidence of rates of cancer as a consequence of their exposure to extreme heat over sustained periods of time. Some of the firefighters I know are the fittest and strongest individuals you are likely to find, but all too often they are diagnosed with cancer in the latter stages of their careers and die prematurely compared to the rest of the population.

This report, however, talks about additional areas of concern and anxiety in relation to Fiskville and the fact that we do not know the scope of this problem. We do not know how far the contamination has spread. We do not know whether it is neatly contained within a portion of the site, whether it affects all of the site or whether it goes beyond the boundaries of the site. I want to commend the committee for its work, given that we are struggling to understand the scope of that problem.

The committee has also done a great job in making recommendation 1B, which relates to making sure that additional testing is available and that the results are made available to property owners. One of the great moments in most people's lives in terms of wealth acquisition is when they buy a house or property. Invariably they take on significant debt in order to acquire that property. They hope that if they do that, they can raise a family and pass that wealth onto them or sun themselves in their retirement. The fact that properties surrounding the Fiskville site may be adversely impacted as a consequence of Fiskville's operations — through no fault on the part of property owners — is a concern. I commend the committee for doing the work that led to the recommendation that we need to understand the nature of the contamination and communicate it to property owners.

Recommendation 2 advocates assessing the feasibility of providing voluntary testing for

perfluorooctanesulfonic acid (PFOS) free of charge to firefighters, subject to advice from the Department of Health and Human Services. This is an important measure that would give individuals the ability to find out whether they are PFOS-free or not. The cost of this should be borne by taxpayers in recognition of the contribution that career and volunteer firefighters make to keep our communities safe.

There is also a concern from an agricultural perspective about market sensitivities and contaminated land. I know that when we are talking about trade agreements and the like, we have to make sure we do not undermine the great reputation we have in agriculture in this state. I commend the committee's work.

Public Accounts and Estimates Committee: budget estimates 2015–16 (hearings alert)

Mr D. O'BRIEN (Gippsland South) — I am pleased to rise to speak on committee reports today. I will be speaking again on the Public Accounts and Estimates Committee report on the budget estimates hearings. It is a pleasure to be a member of that committee and to have the opportunity to grill the ministers on a number of things.

Today I want to raise a couple of issues related in particular to water. One of the projects that is dear to my heart in the electorate of Gippsland South — and I know it is also dear to my colleague the member for Gippsland East — is the Macalister irrigation district (MID). There is an ongoing project called MID 2030 which aims to upgrade the irrigation district and deliver the savings in water back to farmers for productive use. There is a generally agreed proposition that the responsibility for funding of this project will be shared equally between the state government, the federal government and the irrigators themselves. This proposition was made to the previous government late in the previous term of Parliament, just before the election. I believe a business case had been provided at that stage.

During the Public Accounts and Estimates Committee hearings, on asking the Minister for Environment, Climate Change and Water about the status of this project I was surprised to be told that at that stage no business case had been received by the government. This was very odd. Clearly something was going on behind the scenes between the government and Southern Rural Water, which manages the MID. Nonetheless, the noises coming from the minister in terms of future funding were positive — although perhaps that is saying too much. I was equally surprised when the minister turned up in the MID on Monday to

turn the first sod for the Southern Cowwarr balancing storage, part of phase 1A, which received \$16 million in funding from the previous government, thanks to the then Minister for Water, Peter Walsh.

We are now eight months into the term of this government. We have been calling on the minister for some time to come and visit the MID to get an understanding of this project. There has been no visit whatsoever. Suddenly, however, the day after the announcement of the con job of a \$200 million agriculture infrastructure fund, there is the minister turning a sod and suggesting that this MID project could be something that could be funded through the government's new fund. This is dangling a carrot in front of the irrigators and the community of the MID and saying, 'If the community supports our plan for the lease of the port of Melbourne, there will be this money available'. The government is leaving aside the fact that this \$200 million is about 3 per cent of the likely proceeds from the sale of the port of Melbourne lease. This is a very disappointing decision.

The minister turned up in Parliament yesterday and started spruiking the benefits of the MID project — benefits we have been telling those opposite about for years now — in effect claiming them as the government's own in an attempt to tie them to its proposal for the port of Melbourne lease. This is all very odd. I say to the government that this is a great project. The minister acknowledged that yesterday. It should be funded, but it need not be funded through some con job of an agriculture fund that has been dreamt up in a ministerial office somewhere as a way to try to get the Victorian Farmers Federation and other organisations on board with the port of Melbourne sale.

That brings me to the port lease. During the estimates hearings we heard contradictory evidence from the government. The Minister for Ports said at the time that the port of Melbourne would reach capacity in 2045. If we go back to 2009, when Labor was previously in government, we can see that the then minister said it would be 2030. Now we are facing a lease that will in effect lock in one port for Melbourne until 2085. That is not a good thing for country Victoria. That is not a good thing for the exporters, the farmers and the businesspeople in my electorate of Gippsland South, and that is why the coalition is seeking to have this further debated through a committee in the upper house. It is absolutely appropriate that we do so.

I would like to see the government be more clear on this project. I would also like to see greater clarity on the northern towns project, which is a water project to supply Korumburra, Loch, Nyora and Poowong. I

recently got an answer to a question on notice from the minister on where this project is at. It said the proposal was not successful but that one of the options being looked at is to use Lance Creek as the primary source of water supply for those towns, with connections to the Melbourne water supply system. That is the northern towns project, and I do not understand where the government stands on it. It needs to be clearer. It is obviously an important project.

Environment, Natural Resources and Regional Development Committee: Country Fire Authority Fiskville training college

Mr EDBROOKE (Frankston) — It gives me great sadness to rise to speak on the Environment, Natural Resources and Regional Development Committee Fiskville inquiry. It gives me confidence to say that there has been great bipartisan support for this inquiry, but from the start we heard from people that it was a beat-up — in fact that it was a union beat-up and that other things were at play. We have certainly moved a long way from Professor Robert Joy's report where he concluded that:

These legacy issues need to be further investigated but there is no good reason to conclude that they pose any significant risk to anyone ...

I think we have moved a long way past that. As a current volunteer firefighter and former staff member, I would not be stupid enough to say that I represent all staff or the 50 000 volunteers. That would be silly. But the ones I do know are certainly happy that this has been investigated. It would appear that there have been individuals covering things up. We are aware of that when we hear allegations of people writing out cheques for \$350 000 to farmers next door, and also when we think about the Lloyds. It is so sad to hear that the couple and their two daughters have PFOS levels over 100. A high safe level would be 15, and they have a level of 100. So does this need to get investigated further? Hell, yes!

I think the inquiry has also uncovered a lot about the Country Fire Authority (CFA) culture. I am very proud of being a CFA member for the past 15 years, and I think I can say we are a proud lot. We are happy to risk ourselves for our community and often people do, but the thing that is most gut-wrenching for firefighters, volunteers and staff is not the fact that they will go into a house fire and possibly be injured and it is not the fact that they could be infected through a needlestick injury at a car accident, it is that you can train hard to do what you do safely, but that the CFA has been working against you in that you have been exposed to chemicals

that have been banned in other countries and are known to cause cancer, and you have not been told that. It is gut-wrenching to know that there could be health issues that are hidden at the moment but that may come out later on in life.

It certainly hit me. I became a bit emotional in the first hearing to see some of the people I have worked with and to learn that they had had testicles removed because of cancer. It hit me because we are talking about a rate in the community of a few people in every 100 000 having testicular cancer, yet I was sitting in a room of firefighters and there were 4 people who had had testicular cancer — there were probably 40 people in that room. So there is certainly something going on; it is undeniable.

I want to mention the Penshurst community. It is great to know that their water source is safe. The problem with PFOS is that it is designed to penetrate, which is why it was put in foam. We heard someone in the Fiskville inquiry the other day talking about how that was okay, because there is a town in Sweden where PFOS is 600 times the safe level in Australia, so we are fine. However, I point to another incident at a fire training ground at the airport in Guernsey in the United Kingdom where, to get rid of the PFOS-contaminated soil, they had to dig down 2 metres over nearly a hectare, put a membrane barrier in and fill it with concrete, yet this stuff still got into the water supply. It is full-on. To be able to say that we could get Fiskville back online is really a pipe dream to me at this stage, because we heard that a dam was cleaned out at one stage and the tailings from the dam were spread over the paddocks at Fiskville.

Where do we go from here? I think the main thing is that we need to look after the people who have been training at Fiskville — the staff and volunteers. We need to look after people who have had bouts of cancer and have recovered, and we need to put significant testing regimes in place to make sure that people like me, who spent over a year of my career at Fiskville, and some of my comrades who were swimming in the dam are safe in the future and their families are looked after.

I thank the committee and the people who made contributions. There were some very emotional times. Everybody has been strong and has done a great job. I look forward to future outcomes from the inquiry.

**Public Accounts and Estimates Committee:
budget estimates 2015–16 (hearings alert)**

Ms McLEISH (Eildon) — I rise to speak on the inquiry into budget estimates 2015–16 conducted by

the Public Accounts and Estimates Committee. In particular I would like to focus on the contribution by the Minister for Agriculture. I guess the most disappointing thing that was highlighted to the inquiry were the agricultural cuts of \$11.9 million over the coming period. I find that quite disturbing and distressing. These cuts were more than matched by cuts of \$61.4 million to the trade budget as well. I note that the minister opened with some very encouraging stories about food and fibre and agriculture history. She pretty well reiterated all the great work that was conducted by the coalition and the former Minister for Agriculture and Food Safety. We know that the value of food and fibre exports from Victorian ports had risen to a record high \$11.6 billion. That is something that is particularly impressive; it was up 12 per cent on the previous year. I worry that with the cuts to the agricultural and trade budgets this is not going to be able to be maintained. We had \$2.3 billion in meat exports, \$2.2 billion in dairy, \$1.9 billion in grain and \$894 million in horticulture. We had some wonderful results.

During the inquiry the member for Mornington targeted the removal of the fox bounty. Funding has been ripped out of the fox and wild dog bounties. We see that the wild dog bounty has been completely abolished and there are no funds for it at all. The minister made some statements that the government is committed to the fox bounty:

We are committed to continuing the fox bounty ... The budget fulfils that commitment ...

When you look at it though, there is one year's funding for the fox bounty over a four-year period. I do not find that to be a commitment at all.

When the coalition introduced the fox bounty, there was \$4 million in funding. We have eradicated 339 459 foxes. People who live in the bush know what a pest they are. We also know that they are cheeky. The other day when I was sitting at home having breakfast, one almost came onto the deck. I am still quite horrified. Despite a number of hunters in the area working hard to get the scalps, foxes are still roaming around. We see that also from the dead foxes on the sides of the roads.

The fox and wild dog bounties are very important. They not only protect farmers from having their lambs and calves killed but also have a role in the protection of native fauna. I find it quite sad. We have seen too many cases of foxes having penetrated our wonderful national parks, and they do an awful lot of damage. During the term of the coalition government 1557 wild dog scalps were claimed. That is particularly impressive. Wild dogs pose an enormous problem in the high country,

and the failure of the new government to commit funding to this area might come back to haunt it. There have been 7613 hunters taking part in the bounty. The fox bounty pays \$10 for a fox and \$100 for a wild dog, so it is a great way for a lot of hunters, particularly younger people, to supplement their incomes in country areas where unemployment is a problem and incomes are much lower than in the metropolitan area.

The coalition government started the aerial baiting program. In 2014 it ran two campaigns at a cost of \$500 000. That is a significant cost because it is a significant program. We started the process for aerial baiting in East Gippsland and north-eastern Victoria, abolished the 3-kilometre buffer zone for baiting, introduced flexible staffing models, had a pilot program for landholders in remote areas to obtain fresh meat baits and introduced legislation to facilitate the mobile manufacturing of fresh meat baits so it would be done closer to the source. I am very disappointed with the minister's attitude on this matter.

RESOURCES LEGISLATION AMENDMENT BILL 2015

Statement of compatibility

Ms D'AMBROSIO (Minister for Energy and Resources) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter'), I make this statement of compatibility with respect to the Resources Legislation Amendment Bill 2015.

In my opinion, the Resources Legislation Amendment Bill 2015, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The bill makes a number of amendments to the Mineral Resources (Sustainable Development) Act 1990 (the act), including amending current section 8AB of the act which contains offences relating to carrying out an extractive industry without, or not in compliance with, a current extractive industry work authority.

Human rights issues

Section 26 of the charter provides that a person must not be tried or punished more than once for an offence in respect of which he or she has already been finally convicted or acquitted in accordance with law. This right has been interpreted as applying only to punishments of a criminal nature, and does not preclude the imposition of civil consequences for the same conduct.

Clause 6(3) of the bill introduces a provision to replace current subsection 8AB(3). This subsection will now provide that it is an offence for a holder of an extractive industry work authority, or the manager of the place where the extractive industry is being carried out under a work authority, to fail to comply with the act or the regulations in doing any work under the work authority.

Where a person contravenes one of the other specific offence provisions in the act and is made subject to a penalty for that offence, their conduct could also fall within the scope of the new subsection 8AB(3). However, in my opinion, the new subsection 8AB(3) does not engage section 26 of the charter. This is because, even if a person's conduct falls within two offence provisions, they cannot be subjected to a second penalty for the same conduct. Pursuant to section 51 of the Acts Interpretation Act 1984, where an act or omission constitutes an offence under two or more provisions, an offender is not liable to be punished more than once for the same act or omission, unless the contrary intention expressly appears. In this case, the new subsection 8AB(3) does not displace the presumption expressed in section 51 of the Acts Interpretation Act 1984.

Clause 6(4) of the bill introduces a new subsection 8AB(4), which is a default penalty provision relating to the continuation of an offence under the act for which a person has been convicted. Section 26 of the charter is not relevant to this provision, as the default penalties only arise in respect of continued conduct, rather than the conduct that constituted the original offence.

I therefore consider that these clauses are compatible with the right not to be tried or punished more than once for the same offence.

The Hon. Lily D'Ambrosio, MP
Minister for Energy and Resources

Second reading

Ms D'AMBROSIO (Minister for Energy and Resources) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under sessional orders:

The purpose of this bill is to facilitate implementation of recommendation 4 of the Hazelwood mine fire inquiry report — namely, to bring forward the commencement of the requirement that work plans for mines be risk based and specifically address fire prevention, mitigation and suppression requirements for coal mines.

The bill amends the objectives of the Mineral Resources (Sustainable Development) Act 1990 (MRSDA) to make them consistent with the risk-based approach; broadens the range of risks that must be addressed in work plans to include risks to infrastructure; and gives the Minister for Energy and Resources power to set, vary or add conditions on licences and extractive industry work authorities in order to address elimination or minimisation of risks.

The bill also provides that authority holders can be directed to bring their existing approved work plans into compliance

with the risk-based work plan provisions, on a case-by-case basis, where the operation poses an unacceptable risk.

The bill gives effect to the election commitment made by the Andrews government to require public reporting of activities on mines and quarries, including rehabilitation works, by giving the Minister for Energy and Resources the power to impose this requirement on licensees and extractive industry work authority holders.

Non-compliance with any reporting requirements would be in breach of the mine licence conditions and may incur up to 200 penalty units for an individual and up to 1000 penalty units for a corporation.

Finally, in order to improve compliance with extractive industry work authorities and work plans, the bill includes amendments that will drive improved compliance with extractive work authorities and work plans by increasing existing penalty units for carrying on extractive operations without an authority and by specifically requiring compliance with the approved work plan. The penalty for carrying on extractive operations without an authority will be up to a maximum of 1000 penalty units for a corporation. The increase in penalty will ensure consistency with the penalties for the equivalent offence in the mining framework.

I commend the bill to the house.

Debate adjourned on motion of Mr SOUTHWICK (Caulfield).

Debate adjourned until 19 August.

EMERGENCY MANAGEMENT (CONTROL OF RESPONSE ACTIVITIES AND OTHER MATTERS) BILL 2015

Statement of compatibility

Ms GARRETT (Minister for Emergency Services) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the charter), I make this statement of compatibility with respect to the Emergency Management (Control of Response Activities and Other Matters) Bill 2015.

In my opinion, the Emergency Management (Control of Response Activities and Other Matters) Bill 2015, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Human rights protected by the charter that are relevant to the bill

The charter rights that are relevant to the Emergency Management (Control of Response Activities and Other Matters) Bill 2015 (the bill) are the right to property and the right to privacy. These rights are engaged by the proposal conferring powers on the Victoria State Emergency Service (VicSES).

The bill amends the Victoria State Emergency Service Act 2005 to give VicSES the power to enter land or premises, without consent, if urgently necessary for the protection of life or property. The bill also gives VicSES the power to construct, alter or remove a levee, along with a power to remove debris. These powers are also conditioned on forming the reasonable belief that exercising the powers is required for the protection of life and property.

In addition, the bill also requires VicSES to replace, restore or remove a levee that it has removed, altered or constructed in the exercise of its new powers, but only to the extent that is reasonable. In line with the existing provisions in the Victoria State Emergency Service Act 2005, damage caused by VicSES is taken to be damage caused by the emergency that gave rise to the emergency for the purpose of insurance policies. This will extend to damage caused while exercising the proposed powers in the bill. Together, these provisions support individuals being able to seek to recover property losses that are incurred in the course of responding to a flood.

These provisions are compatible with the right to property and the right to privacy. None of the other provisions in the bill engages charter rights.

Are the relevant charter rights actually limited by the bill?

The bill does not limit the right to property or the right to privacy.

The charter provides that a person must not be deprived of his or her property rights except in accordance with the law. The amendments in the bill limit the circumstances in which VicSES may exercise the proposed powers, which requires the VicSES member to form the reasonable belief that exercising the power is necessary for the protection of life and property. Accordingly, the proposed powers are not arbitrary or general in nature, but are tailored to the specific purpose of responding to an emergency. As such, the amendments in the bill are compatible with the right to property.

The charter also provides that a person must not have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Although the bill empowers VicSES to enter land or premises without consent, it may only do so if urgently necessary for the protection of life and property in the course of responding to, or preparing for, a flood, earthquake or storm or providing rescue services. This does not constitute unlawful or arbitrary interference with the right to privacy. As such, the amendments in the bill are compatible with the right to privacy.

The Hon. Jane Garrett, MP
Minister for Emergency Services

Second reading

Ms GARRETT (Minister for Emergency Services) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under sessional orders:

Victoria's emergency management arrangements are vital in protecting the lives, property and livelihood of Victorians in emergency situations. The Victorian government is

committed to ensuring Victoria's emergency management reforms are practical and effective.

The government's emergency management reform agenda will be implemented progressively in stages to ensure the state is best prepared for any, and all, forms of emergency. One of the benefits of undertaking these reforms through a staged approach is that the Victorian government can make responsive refinements as issues arise, ensuring continuous improvement with minimal disruption.

A key objective of the bill is to strengthen and enhance the state's emergency response arrangements. The amendments in the bill also bolster the statutory powers of the Victoria State Emergency Service to respond to floods, storms and other emergencies. Finally, the bill refines the functions and powers of the inspector-general for emergency management.

The key measure to strengthen emergency response arrangements is the introduction of an explicit statutory requirement for agencies with a role or responsibility under the *State Emergency Response Plan* to act in accordance with the plan. The plan sets out the arrangements for responding to all major emergencies in Victoria, including bushfires, pandemics, exotic animal diseases and essential service disruptions.

Up until now, it has been implicit that agencies will fulfil their roles and responsibilities under the plan. Making this obligation express will contribute to ensuring emergency management arrangements are clear and transparent, as well as recognising agencies' shared responsibility for responding to emergencies. Strengthening the role of the plan should mean the response to emergencies is more cohesive and coordinated and there is greater clarity about the roles and responsibilities of agencies.

This is critical for large and complex emergencies that create new and unique challenges. Due to the dynamic and often unpredictable nature of emergencies, these arrangements must be adaptable and flexible. The plan itself provides for a clear framework to underpin agencies' roles in responding to emergencies, rather than prescriptive operating procedures. However, to further support operational flexibility, the bill empowers the emergency management commissioner with the ability to change the plan in urgent circumstances if necessary to protect life or property.

The bill also strengthens the statutory powers of the Victoria State Emergency Service (VicSES). While VicSES is the primary agency in Victoria for responding to floods, storms and earthquakes and providing rescue services, its existing powers to perform these functions are lacking. The shortcomings in VicSES's existing powers were highlighted by the Environment and Natural Resources Committee of Parliament in its Inquiry into flood mitigation infrastructure in Victoria (ENRC inquiry) and in the review of the 2010–11 flood warnings and response conducted by Mr Neil Comrie, AO, APM.

At present, VicSES's statutory powers are framed in general terms, and do not provide for powers to enter property to undertake its important functions. VicSES must instead rely on the consent and goodwill of property owners to build or remove levees or remove debris from storms.

The bill addresses this issue by giving VicSES a power to enter land or premises in urgent circumstances where necessary for the protection of life and property. Although VicSES will continue to seek consent whenever possible, the

bill will ensure VicSES is not hampered in performing its functions if consent is unobtainable.

The bill will also give VicSES the specific power to construct, alter or remove a levee. Again, VicSES will only exercise this power if necessary for the protection of life and property. This will mean VicSES has the power to take action to reduce the overall harm to the community when faced with an impending flood. To perform this function, VicSES will continue to work with communities, businesses and agencies. It will rely on the best information available and would call on the knowledge and advice of experts so that it makes the best decisions possible. In implementing these new powers, sufficient time will be allowed for VicSES to develop supporting operating procedures, train its members and engage the community.

The final proposal in the bill concerns the inspector-general for emergency management, who is responsible for fostering continuous improvement in the sector and providing assurance to the community and the government. Authorities such as the inspector-general play an important part in ensuring that Victorians are receiving the highest standard of service from the government and its agencies.

The inspector-general began operation on 1 July 2014 and over the past year, the inspector-general has identified opportunities to refine and improve its statutory powers and functions. The bill expands the inspector-general's existing power to gather information so that it includes the ability to observe the operation of a system, procedure, thing or activity at an agency's premises. This will mean the inspector-general has access to more information to better inform the inspector-general's system-wide reviews and reports.

The bill also recognises and supports the role of the inspector-general in monitoring the government's implementation of recommendations arising from reports such as the Victorian bushfire royal commission final report. This important mechanism will mean the government is better informed about whether it is achieving the objectives underpinning the recommendations made in these reports.

Finally, the bill clarifies the expectation that the inspector-general works collaboratively and cooperatively with agencies, and that agencies should provide the inspector-general with reasonable assistance if requested.

Unfortunately, emergencies will continue to affect Victorian communities and it is likely that their frequency and severity will only increase. The amendments proposed in the bill focus on strengthening emergency response arrangements, which forms part of the broader reform agenda to address and improve other aspects of Victoria's emergency management arrangements.

These changes have the ultimate objective of reducing the loss of life or property. Coupled with other legislative and non-legislative changes currently underway, the bill will improve the response to emergencies of any size or severity, but will be particularly important for large and complex emergencies where there is significant potential for tragic consequences.

I commend the bill to the house.

Debate adjourned on motion of Mr BATTIN (Gembrook).

Debate adjourned until 18 August.

CRIMES AMENDMENT (CHILD PORNOGRAPHY AND OTHER MATTERS) BILL 2015

Statement of compatibility

Mr PAKULA (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter'), I make this statement of compatibility with respect to the Crimes Amendment (Child Pornography and Other Matters) Bill 2015 ('bill').

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

Overview

The bill will strengthen child pornography laws by creating new offences relating to the operation of child pornography websites, allowing for 'random sample evidence' to be used in child pornography trials and allowing an informant to refuse disclosure of child pornography evidence to an accused personally. The bill also empowers police to direct a person to assist them in the execution of a search warrant in relation to a computer or computer network, in relation to suspected child pornography offences and other offences.

Human rights issues

Protection of children

The production, distribution and consumption of child pornography are a significant form of child abuse. The bill's reforms will make the investigation and prosecution of these offences more effective and thereby enable police to disrupt the activities of those who engage in them. By doing so, the bill will promote a number of the charter rights of children, in particular the child's right to protection (section 17(2)), the right not to be treated in an inhuman and degrading way (section 10(b)), and the right to privacy (section 13(a)).

Restricting an accused from personally inspecting child pornography material

Right to be informed of the nature and reasons for the charge

Section 25(2)(a) of the charter provides that a person charged with a criminal offence has the right to be informed promptly and in detail of the nature and reason for the charge. Because it may not be appropriate to allow a person accused of child pornography offences to view the pornography for his or her gratification, the bill will enable an informant to refuse to disclose evidence that is child pornography to an accused personally. This will not limit the accused's right to be informed of the nature and reason for the charge because the right of the accused's lawyer to inspect that evidence on the accused's behalf is unaffected and the accused can still obtain a court order for personal inspection of the evidence.

Right to a fair hearing

Section 24 of the charter provides for the right to a fair hearing. The bill engages with this right, because it regulates the procedures for disclosing material on which an informant relies to bring a charge for child pornography offences by creating a higher threshold for inspection of that material. This restriction may be imposed at pre-hearing and pre-trial disclosure stages. At both stages, the accused may obtain a court order to personally inspect the material. Section 24 will not be limited by these procedures, because the hearing overall will still be fair and appeal rights are maintained.

Requiring a person to assist in the execution of a warrant

Right not to be compelled to testify against oneself or to confess guilt

Section 25(2)(k) of the charter provides that a person charged with a criminal offence has the right 'not to be compelled to testify against himself or herself or to confess guilt'. The bill will enable magistrates to issue search warrants that allow the executing police officer to direct a specified person with knowledge of a computer or computer network to assist police in the execution of the warrant. This will allow police to require assistance from people to gain access to computer files that may contain evidence of child pornography offences but which would otherwise remain inaccessible. The bill provides that a person is not excused from complying with the request for assistance on the ground that complying with it may result in information being provided that might incriminate the person.

The bill does not limit section 25(2)(k), because the person required to assist police is not a person who has been charged with a criminal offence. The execution of the warrant occurs before charges, if any, are filed. In addition, the person is not being required to testify against himself or herself because they are not giving evidence in court. Finally, the person is not being required to confess guilt. While the information the person provides may enable police to obtain evidence that incriminates the person, the giving of that information, such as a computer password or similar, is not in itself a confession of guilt.

Even if the bill could be said to limit s 25(2)(k), the limitations are reasonable and justified because of the serious nature of the crimes being investigated (such as child pornography offences) and the fact that the police investigation could be blocked by non-disclosure of the relevant information (such as a password to access a computer). If a person has locked hard-copy child pornography in a cupboard, the police do not need the person's assistance in breaking into the cupboard, under warrant, to seize that evidence and the person has no right to try to block the police breaking into that cupboard. If the person has also 'locked' electronic child pornography inside a computer through encryption, the person should not, simply because of their use of more sophisticated technology, now be empowered to stymie police investigations by refusing to divulge the electronic key to that evidence. Moreover, such information can assist police in identifying children being abused and preventing further abuse of such children in Victoria. There is also the safeguard that the magistrate issuing the search warrant will have discretion not to include such a power in the warrant where the police officer applying for the warrant has not made out an adequate case for the need for such a power.

Right to privacy and reputation

This part of the bill engages the right to privacy and reputation under section 13(a) because a person might be required to divulge private information in the process of complying with a police direction. For instance, where the relevant information is a password, it may allow police to access personal information on a computer. There may also be other data to which a person is required to provide access that contain personal information.

Furthermore, persons other than the accused (including, for example, the accused's employer or an employee) might be required to provide this information or assistance upon authorised police direction. In these circumstances, the right to privacy and reputation (s 13) might be engaged.

Section 13 provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with. The bill's new powers are lawful, as the conditions for the creation and exercise of such powers are clearly laid out. Further, the powers are not arbitrary, because they are reasonable in the particular circumstances and are for an important purpose.

Right to property

The right to property (s 20) provides that 'a person must not be deprived of his or her property other than in accordance with law'. This right might also be engaged by these provisions as a person (under direction from police authorised by warrant) may be required to give access to data, which might be their property. It may also include allowing police to make copies of the property.

These powers do not limit a person's property rights because the interventions do not permanently deprive the person of their property and in any case, the interference with the person's free enjoyment of his or her property will be in accordance with the law.

It is important to note that the execution of such a warrant may protect the rights of children in Victoria, as is in their best interests under s 17(2), their right not to be treated in a cruel, inhuman or degrading way under s 10, and their right to privacy under s 13 of the charter.

Random sample evidence*Right to a fair hearing*

Section 24(1) of the charter provides that a person charged with a criminal offence has the right to have the charge 'decided by a competent, independent and impartial court or tribunal after a fair and public hearing'. The bill allows expert evidence to be given by way of a certificate attesting to the nature of a collection of child pornography images based on a random sample taken from that collection. Investigators and judges will thus be spared having to view every image that is subject to the charge, and depicted children will be protected from further violation by repeated viewing of the images.

This reform does not limit a right to a fair hearing because the prosecution must still prove the charge against the accused, the evidence may be challenged in the same way as other expert evidence, and random sample evidence will only be admissible if the court is satisfied that the accused or the accused's lawyer has been given a reasonable opportunity to inspect all of the material.

The random sample provisions carefully balance the rights of the accused with the right of (child) victims to protection under s 17(2) and the right not to be degraded under s 10, by limiting the volume of the material exposed and the number of people who must view it.

The Hon. Martin Pakula, MP
Attorney-General

Second reading

Mr PAKULA (Attorney-General) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under sessional orders:

The proliferation of child pornography is a significant issue confronting law enforcement agencies worldwide. Due to advances in technology, the amount of child pornography available online has increased exponentially in recent years. This bill will modernise Victorian laws to make the investigation and prosecution of child pornography offences in this state more effective.

This bill constitutes the first stage of reforms to child pornography offences. A second stage of reforms is currently under consideration, including changes to existing child pornography offences to cover a broader spectrum of child abuse material and new offences to address new ways of distributing and accessing this material.

New child pornography offences

While there are a number of ways in which child pornography can be viewed and exchanged online, research shows that websites are the easiest and most visible way of accessing child pornography. The bill will introduce new child pornography offences into the Crimes Act 1958 ('Crimes Act'), which are designed to discourage the creation of child pornography websites, the promotion of those websites and the use of those websites.

The first offence will target administrators of child pornography websites, such as those who create child pornography websites, regulate membership or monitor traffic on such websites. It will apply to administrators who intend that their website be used for dealing with child pornography, or are aware that their website is being so used. These website administrators contribute to the proliferation of child pornography online and facilitate child pornography offences by others. However, existing Victorian child pornography laws apply to some, but not all, of the activities of these administrators.

To ensure that the new offence does not criminalise website administrators acting in good faith, a defence will apply if an administrator becomes aware that their website is being used for child pornography and takes all reasonable steps in the circumstances to prevent access to the pornography. This may include notifying police or taking down the website. This new offence will also not apply to websites being used for a legitimate purpose, such as by courts or Victoria Police. It will also not apply where the material on the website has or would be classified as other than RC or X18+ under the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995.

To further disrupt the operations of child pornography websites, a second new offence will criminalise encouraging others to use a website to deal with child pornography. For instance, this offence will target those who promote or advertise a child pornography website. To establish this offence, it will not be necessary to show that a particular person was actually encouraged by the person. Instead, it will be sufficient if a person encourages another person with the intention that that person use a child pornography website.

Unlike the other two new offences in the bill, this offence will only apply to persons over 18 years. This will ensure that innocent sexual exploration by teenagers and their peers will not be inappropriately criminalised.

The bill will also introduce a third offence, which will criminalise providing information to another person about ways to evade apprehension for a child pornography offence (including existing offences in the Crimes Act or one of the new child pornography website offences). For instance, this new offence may apply to a person who provides advice to others about how to use a child pornography website anonymously or how to encrypt files containing child pornography. This offence is designed to discourage people from assisting others to deal with child pornography online, including on child pornography websites.

This new package of offences will make it easier to prosecute online-related activities that facilitate the commission of child pornography offences, and ensure that offenders can be prosecuted for their crimes. Each of the new offences will carry a maximum penalty of 10 years imprisonment, which is the same penalty that applies to producing child pornography.

Increasing the maximum penalty for possessing child pornography

The bill will increase the maximum penalty for the offence of possessing child pornography to 10 years imprisonment. Currently, the maximum penalty for this offence is five years imprisonment. This is the lowest penalty for possessing child pornography in Australia. Increasing the maximum penalty for this offence will better reflect the potential seriousness of this conduct. It will send a clear message to the community, and anyone considering committing this offence, that possession of child pornography is a serious offence.

Random sample evidence

During the investigation and prosecution of child pornography offences, the child pornography must be viewed to assess its gravity and quantity. This ensures that the seriousness of the offender's conduct is reflected in the charges laid against them, and in any sentence imposed on them. As a result, many people involved in the investigation and prosecution process (such as police, lawyers and judges) must view the child pornography material, which can number in the tens of thousands.

There are a number of difficulties with this process. For instance, it can be highly traumatic for people to view so many of these disturbing images. Studies have found that prolonged exposure to such disturbing material can have negative psychological effects. It also compounds the violation and exposure of the child victims depicted in the child pornography material when that material is viewed repeatedly. Further, the amount of time required to process

and view such voluminous evidence can significantly extend the length of investigations and trials.

The bill will address these issues by amending the Crimes Act to allow for the use of 'random sample evidence' in proceedings for a child pornography offence. Under this process, a random sample of material may be taken from material seized from an accused. The nature and content of child pornography images within that sample will be assessed and certified by a trained expert. The court may then conclude that the nature and content of the material in the sample exist in the same proportion in the material as a whole.

The accused may challenge this evidence if they wish. Under the bill, random sample evidence will only be admissible if the accused's lawyer has had a reasonable opportunity to view all the material. This will allow the accused to challenge the use of the random sample evidence.

Random sample evidence will be particularly useful in cases involving a high volume of child pornography, where thousands of child pornography images would otherwise need to be analysed. This process will allow the material to be analysed in a much shorter time frame. This reform will also reduce the significant occupational health and safety risks associated with viewing large numbers of disturbing images, and will avoid compounding the violation of the child victims through repeated viewing of the material.

Restricting an accused from personally inspecting evidence that is child pornography

The bill will amend the Criminal Procedure Act 2009 to restrict when an accused may personally inspect evidence that is child pornography. The accused's lawyer will continue to be able to inspect the evidence in accordance with existing practices. The accused may also apply to court for an order allowing them to personally inspect the evidence.

This reform recognises the interest of the children depicted in child pornography and the community interest in limiting access to child pornography, so that the accused's personal inspection of such material only occurs where it is clearly necessary. This new process will also minimise the risk of an accused obtaining sexual gratification by looking at the child pornography evidence. At the same time, the bill will preserve the ability of the accused's lawyer to inspect the child pornography evidence, and allow the court to make an order granting personal inspection by the accused subject to certain conditions.

Power under warrant to direct a person to assist police

The bill will amend the Crimes Act to allow a magistrate to include in a search warrant an authorisation allowing police to direct a specified person to assist them to access data on a computer. For instance, where evidence is held on a computer and is password protected, police will be able to direct the owner of the computer to give them the computer password. It will be a summary offence to refuse to comply with such a direction without a reasonable excuse. A maximum penalty of two years imprisonment will apply.

A more serious version of this offence already exists in the Crimes Act in relation to refusing to comply with a court order to assist police. The order must be obtained in open court (separately from the warrant process) and a five-year maximum penalty applies for refusing to comply with the order. In contrast, the new process will provide a simple and

easy to use process for police to use in urgent cases. This will assist police in their investigations into serious offences, including child pornography.

I commend the bill to the house.

Debate adjourned on motion of Mr HODGETT (Croydon).

Debate adjourned until Tuesday, 18 August.

**EDUCATION AND TRAINING REFORM
AMENDMENT (MISCELLANEOUS) BILL
2015**

Statement of compatibility

Mr MERLINO (Minister for Education) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the charter act), I make this Statement of Compatibility with respect to the Education and Training Reform Amendment (Miscellaneous) Bill 2015.

In my opinion, the Education and Training Reform Amendment (Miscellaneous) Bill 2015, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview

The bill will amend the Education and Training Reform Act 2006 (ETR act) to enhance the ability of the Victorian Registration and Qualifications Authority (VRQA) to protect the interests of school students as consumers.

The bill will enhance school council powers and functions, and provide more flexibility to, and better reflect the role of, adult, community and further education regional councils.

The bill will enable the Secretary to the Department of Education and Training (DET) to disclose to the Victorian Institute of Teaching (VIT) any information the secretary has about, or arising from, an application for an exemption for an early childhood service to employ an unregistered early childhood teacher and an application for a temporary approval to be employed as an early childhood teacher.

The bill will give the VRQA power to disclose any information obtained in performing its functions or exercising its powers regarding apprentices to the secretary, a public sector body or a commonwealth department, if the information relates to the entity's functions.

The bill will also clarify false representation offence provisions in section 79 of the Education and Training Reform Amendment (Registration of Early Childhood Teachers and Victorian Institute of Teaching) Act 2014 (ECT and VIT act).

Human rights issues

Human rights protected by the charter that are relevant to the bill

The following charter rights are relevant to the bill:

the right to privacy and reputation in section 13 of the charter act;

the right to freedom of expression in section 15 of the charter act; and

the right to protection of families and children in section 17 of the charter act.

Are the relevant charter rights actually limited by the bill?

Privacy and reputation

Section 13 of the charter act is relevant to clause 23 of the bill. Section 13 of the charter act provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

Clause 23 will give the VRQA power to disclose any information obtained in performing its functions or exercising its powers under part 5.5 of the ETR act regarding apprentices, to the secretary, a public sector body or a commonwealth department, if the information relates to the entity's functions.

Section 4.9.4 of the ETR act allows the VRQA to share information with the secretary and other government agencies. The Education and Training Reform Amendment (Child Safe Schools) Act 2015 substitutes section 4.9.4(1) with new provisions that will allow the VRQA to disclose information it obtains in performing its functions or exercising its powers under chapter 4 in certain circumstances.

Chapter 5 of the ETR act does not currently allow the VRQA to share information that it obtains as a result of its apprenticeship regulation functions in a similar fashion to the information currently covered by section 4.9.4, or that will be covered by section 4.9.4 when substituted section 4.9.4(1) commences. This might include, for example, information about an employer who is assessed as not being fit and proper in accordance with section 5.5.7.

The ETR act does not currently enable the VRQA to share information it obtains as a result of its apprenticeship regulation functions with the secretary and other government agencies. The Victorian Skills Commission used to have some of the functions that now sit with the VRQA and the DET. When the previous government ceased the operations of the Victorian Skills Commission and transferred its functions to the VRQA, some operational aspects were not transferred in the consequential and transitional amendments. The VRQA has specifically raised this issue with DET as a problem for them.

Clause 23 enables the VRQA to share information with regulatory bodies and government agencies, and to the extent that it will enable the VRQA to disclose personal information, it will engage the right to privacy in section 13 of the charter act.

I consider that the proposed information-sharing powers in clause 23 are neither unlawful nor arbitrary. The bill specifies the circumstances in which the VRQA will be empowered to disclose information relating to its apprenticeship functions and powers, and entities to which such information may be disclosed. The bill provides that disclosure may only occur if the information relates to the recipient entity's functions.

The VRQA and the recipient entities are subject to the Privacy and Data Protection Act 2014 (Vic) or the Privacy Act 1988 (Cth). The VRQA also enters into memoranda of understanding with entities with which it requires more regular exchange of information. The memoranda of understanding are available on the VRQA's website.

Clause 10 will enable the secretary to disclose to the VIT any information the secretary has about, or arising from, an application for an exemption for an early childhood service to employ an unregistered early childhood teacher and an application for a temporary approval to be employed as an early childhood teacher.

The ECT and VIT act will give the secretary power to grant an exemption to an early childhood service to employ an unregistered person as an early childhood teacher, with a corresponding approval for that person to teach in the approved centre.

Currently, the secretary does not have the power to share information with the VIT. The VIT will be the registration body for early childhood teachers and will be responsible for prosecuting cases of unregistered persons being employed as early childhood teachers. It would be problematic if the VIT did not have access to information that the secretary holds regarding such applications because approval from the secretary is a valid defence to the requirement to be registered and such information sharing will avoid unnecessary prosecutions.

Clause 10 will enable the secretary to disclose information to the VIT, and to the extent that it enables the secretary to disclose personal information, it will engage the right to privacy in section 13 of the charter act.

I consider that the proposed information-sharing powers in clause 10 are neither unlawful nor arbitrary. The bill specifies the circumstances in which the secretary will be empowered to provide the VIT with information about, or arising from, an application. Clause 10 provides that the secretary may only disclose information to the VIT in limited circumstances where the information is about, or arising from, an application for an exemption for an early childhood service to employ an unregistered early childhood teacher or an application for a temporary approval to be employed as an early childhood teacher. The VIT needs access to this information to properly discharge its registration functions, in particular, when prosecuting cases of unregistered early childhood teachers.

Both the secretary and the VIT are subject to the Privacy and Data Protection Act 2014 (Vic) and will manage the information in accordance with this act.

In my opinion, the proposed information-sharing powers in clauses 23 and 10 are compatible with the right to privacy in section 13 of the charter act.

Freedom of expression

Section 15 of the charter act is relevant to clause 29 of the bill. Section 15 of the charter act provides that a person has the right to freedom of expression, that special duties and responsibilities are attached to the right, and that the right may be subject to some lawful restrictions.

Clause 29 will clarify false representation offence provisions in section 79 of the ECT and VIT act, and will engage the right to freedom of expression in section 15 of the charter act.

The Scrutiny of Acts and Regulations Committee (SARC) drew attention to the compatibility of clause 79 of the Education and Training Reform Amendment (Registration of Early Childhood Teachers and Victorian Institute of Teaching) Bill with the right to freedom of expression in section 15 of the charter in *Alert Digest* No. 2 of 2014.

Section 79(1) of the ECT and VIT act provides that a person who is not registered as a teacher must not claim to be or to have been, or hold himself or herself out as being or having been, registered as a teacher. Section 79(1A) provides that a person who has not been granted permission to teach must not claim to be or to have been, or hold himself or herself out as being or having been, granted permission to teach. Section 79(1B) provides that a person who is not registered as an early childhood teacher must not claim to be or to have been, or hold himself or herself out as being or having been, registered as an early childhood teacher.

Clause 29 will clarify section 79 of the ECT and VIT act to make it clear that it applies to false claims about a person's previous or current registration or permission status. Clause 29 will amend the offences in sections 79(1), 79(1A) and 79(1B) so that they only capture false representations about a person's current status and a new offence will be inserted after section 79(1B) to deal with false representations about a person's previous status. This will ensure that a true claim about a person's previous status is not inadvertently captured by a false representation offence provision.

In my opinion, the proposed false representation offence provisions in clause 29 are compatible with the right to freedom of expression in section 15 of the charter act.

Protection of families and children

I consider that the bill promotes the right to protection of families and children. One of the bill's main purposes, set out in clause 1, is to enhance the functions and powers of the VRQA, which will help protect the interests of students and parents as consumers.

The Hon. James Merlino, MP
Deputy Premier
Minister for Education

Second reading

Mr MERLINO (Minister for Education) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under sessional orders:

This bill proposes amendments to the Education and Training Reform Act 2006 (ETR act), primarily to the regulation of non-government schools, by enhancing the capabilities of the Victorian Registration and Qualifications Authority (VRQA). The bill also enhances the powers and functions of school councils.

The bill also proposes a number of minor and technical amendments, including clarification of mechanical and notification provisions.

Firstly, the bill will give the VRQA expanded powers to conduct periodic financial health assessments and take action to protect school students as consumers. The VRQA is the statutory body responsible for the registration of schools and ensures that schools comply with minimum standards for registration.

There have been concerns regarding the VRQA's ability to monitor the financial viability of non-government schools in light of the high-profile closure of several non-government schools and the scaling back of several others in recent years. The closures adversely impacted the students of the schools and the wider school community. Deficiencies identified in the current legislative framework include students and parents not being informed of the school's financial difficulties until insolvency was imminent, and following the school's closure, being unable to recover school fees paid in advance.

The bill will enable VRQA to assess the financial viability of registered non-government schools and to take action if the VRQA assesses the school as being financially unviable or at risk of becoming financially unviable. The VRQA may report to parents about the school's financial position or impose a condition on the school's registration requiring the school to establish a protection scheme for school fees, such as a trust.

It is important to note that the VRQA already has these functions and powers with respect to vocational education and training providers, and the bill will essentially extend the VRQA's existing mandate to schools.

Secondly, the bill will enhance the powers and functions of school councils relating to licensing arrangements.

The ETR act currently provides that a school council may only license or grant any interest in land, including school lands or buildings, if the school council is authorised to do so by or under the ETR act or the regulations under the ETR act, or under a ministerial order. The bill allows school councils to enter into appropriate licensing arrangements for the operation of the school. This includes granting a licence over school land and enabling a school to enter into a licensing arrangement in relation to any other land. For example, allowing a school to temporarily license land or buildings adjacent to the school from another party during renovations or to accommodate temporary increases in enrolment. This will allow for greater flexibility in school operations.

Thirdly, the bill aims to improve and simplify the governance for adult, community and further education (ACFE) regional councils. ACFE refers to secondary, further or vocational education for adults, provided by an adult education institution or a community-based organisation (other than TAFE). The role of ACFE regional councils is to provide

strategic advice and information to the ACFE board about adult vocational learning needs and issues for each region.

The current legislative framework is overly prescriptive with respect to the composition of ACFE regional councils and requirements for regional council meetings. In order to better reflect the advisory and voluntary nature of ACFE regional councils, the bill will allow broader scope for a regional council to determine the size and composition appropriate for its circumstances. The bill will also expand the skill mix for regional councils and provide regional councils with greater flexibility to determine meeting arrangements.

Finally, the bill will give effect to various minor amendments, including provisions relating to parents clubs, registration of teachers and early childhood teachers, and clarifying mechanical and notification provisions.

In conclusion, the bill will amend the ETR act to provide capacity for the VRQA to respond to any future financial issues or closures of non-government schools and for school councils to improve school governance. The bill will also implement reforms to the composition and procedures of ACFE regional councils to better reflect their advisory role, and allow for more effective functioning of and better outcomes for the adult, community and further education sector.

I commend the bill to the house.

Debate adjourned on motion of Mr HODGETT (Croydon).

Debate adjourned until Wednesday, 19 August.

INFRASTRUCTURE VICTORIA BILL 2015

Second reading

Debate resumed from 4 August; motion of Ms ALLAN (Minister for Public Transport).

Ms RYALL (Ringwood) — It is my pleasure to rise to speak on the Infrastructure Victoria Bill 2015. Certainly the concept of Infrastructure Victoria has merit. The problem is, as always with Labor, that the devil is in the details.

Mr Angus interjected.

Ms RYALL — And in the execution. The member for Forest Hill is absolutely right. The purpose of the bill is obviously to establish Infrastructure Victoria. That is set to provide independent advice about Victoria's infrastructure needs and will also establish a further infrastructure planning body or process for Victoria so that a 30-year infrastructure plan can be established and so that the government is able to respond to that.

Business interrupted under sessional orders.

DISTINGUISHED VISITORS

The SPEAKER — Order! I would like to acknowledge in the gallery today Mr Michael Roux, Honorary Consul General for Rwanda; Mr Richard Udovenya, Honorary Consul for Mozambique; Mr Gaetan Barallon, Honorary Consul General for Seychelles; Mr Trent Smyth, Honorary Consul for Malawi and secretary of Consular Corps Melbourne in Victoria; and Ms Di Fleming, president of the Australia Africa Business Council. Welcome to the house.

NELSON MANDELA INTERNATIONAL DAY

The SPEAKER — Order! I quote:

It always seems impossible until it is done.

Those words were spoken by one of the great men of world history, Nelson Mandela. Today I wish to recognise his achievements by honouring Nelson Mandela International Day. Our Parliament was in recess when the day was celebrated on 18 July, the birthday of Nelson Mandela, so today I acknowledge the anniversary of his birth and the significance of the day for so many people around the world, particularly those living on the African continent. I welcome the consuls from countries of that wonderful continent.

Nelson Mandela International Day was officially declared an international day by the United Nations in 2009. By celebrating that day, the world community recognises what Nelson Mandela was able to achieve through a lifetime of struggle and hope. At the same time we honour his memory through a shared commitment to fight poverty and promote peace, reconciliation and cultural diversity. At times those ideals can seem impossible to achieve, but let us remember those words of Nelson Mandela: 'It always seems impossible until it is done'.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Mr Guy — On a point of order, Speaker, before we begin question time, I seek some clarification from you and maybe the Premier in relation to the Premier's informing of the chamber yesterday about ministerial changes. I noticed that in the *Victoria Government Gazette* S219 of Friday, 31 July 2015, under the title 'Resignation of a minister of the Crown', it states:

Her Excellency the Governor of the state of Victoria in the Commonwealth of Australia has on 31 July 2015 accepted the resignation of the Honourable Jacinta Allan MP ...

I wonder whether you could advise us if we have in fact lost two ministers in one week or can the Premier advise us as to whether or not there is a typographical error in the *Government Gazette* that shows the wrong minister having resigned?

The SPEAKER — Order! The Premier is welcome to clarify, should it be required.

Mr Andrews — On the point of order, Speaker, I do not know if clarification is required, but I would again refer the Leader of the Opposition to the announcement I made yesterday. There was a time for, I think, two and a half days or three days when the state was of course in need of a small business minister, innovation minister and trade minister, and — —

Mr Guy interjected.

The SPEAKER — Order! The Leader of the Opposition will allow the Premier to continue.

Mr Andrews — We know that all ministerial positions are wishful thinking for you, my friend.

The SPEAKER — Order! The Premier will continue to answer directly.

Mr Andrews — The Minister for Public Transport and Minister for Employment was duly sworn in for that short period of time, replaced by the now minister, Mr Dalidakis, as I informed the house yesterday.

Port of Melbourne lease

Mr M. O'BRIEN (Malvern) — My question is to the Treasurer. Under the government's proposed 70-year private port monopoly, how much compensation will Victorian taxpayers have to pay if a future government decides to build a second container port during the life of the lease?

Mr PALLAS (Treasurer) — I thank the member for Malvern for his question. The only difference between the member for Malvern and the black knight of Monty Python fame is that the black knight did not cut his own limbs off!

Let us be very clear: the question is based on a false and failed assumption. That false and failed assumption is that this is a 70-year lease arrangement. It is not. It is a 50-year lease arrangement — a lease arrangement that up until very recently we thought there was a fair degree of bipartisan support for. But of course those opposite, in another demonstration of their craven opportunism, have done whatever they can to talk down the value of Victoria's assets.

Let me assure the house of this: when a second port is required by demand there will be no compensation payable. Let me also — —

Honourable members interjecting.

The SPEAKER — Order! The Treasurer will resume his seat. The house will allow the Treasurer to continue to answer what was a substantive and important question in silence.

Mr M. O'Brien interjected.

The SPEAKER — Order! I warn the member for Malvern.

Mr PALLAS — The people of Victoria have every right to ask: why do those opposite stand in the way of a policy that they advocated for before the last election? Let us be very clear about this: there will be the right to develop, when demand requires it, a second container port, without compensation.

Might I also say, entirely gratuitously but to the point, that in terms of an additional monopoly, a private sector monopoly, there will be the right for other private sector operators to open and run a port in competition at any time. There is only a requirement for compensation under these arrangements if the state takes action that undermines the commitments it gave.

Those opposite would know a bit about that, because if you look at the Transurban agreement, you will see a provision called a 'material adverse effect', where those opposite wrote off hundreds of millions of dollars of liability if the government took action to undermine the value of that asset.

Supplementary question

Mr M. O'BRIEN (Malvern) — Given that the Treasurer refuses to tell Victorians how much compensation will be payable when a future government builds a second container port, why should Victorians support his dodgy 70-year private port monopoly?

Mr PALLAS (Treasurer) — I thank the member for Malvern for his question. Not only did he sign the side letter with his eyes closed, but clearly he did not listen to my answer with his ears open, because the question failed to take into account the answer I just gave, and I rely upon the answer I have given as full account for the question.

Honourable members interjecting.

Ministers statements: Melbourne Metro rail project

Mr ANDREWS (Premier) — I am encouraged to smile by those opposite. What a great day it is today to be able to celebrate yet another milestone in the delivery of the Melbourne Metro rail project, with five new stations, 9 kilometres of track, 20 000 extra passengers every hour in the peak, 3500 jobs and \$4.5 billion down and allocated. This government is getting on with it and not simply talking about better public transport, as others did for four long years — the longest public holiday on the record. Instead this government is getting on with delivering the Melbourne Metro rail project — in effect a second city loop.

It is not just about that project; it is about better rolling stock and the biggest train order this state has ever seen, and funding and working so very hard to deliver on our commitment to remove the most dangerous and congested level crossings. Unfortunately there are some who would stand in the way of that, some who would be a policy boom gate arrogantly thumbing their noses at the verdict of the Victorian community — —

Mr Clark — On a point of order, Speaker, not only is the Premier misleading the house, he is debating the issue. I ask you to bring him back to compliance with sessional order 7.

Mr Hodgett interjected.

The SPEAKER — Order! I warn the Deputy Leader of the Opposition. I ask the Premier to come back to making a statement.

Mr ANDREWS — I am very pleased to come back to inform the house today that the Minister for Public Transport and I were able to unveil the latest output, if you like, from the enormous amounts of work going on in design, engineering and geotechnical work, and announce the tunnelling under the Yarra River of that section of the Melbourne Metro rail project.

The project will minimise disruption to traders and landowners and those who use that amazing precinct. But also the environment will be protected by that outcome as well. We are getting on with delivering this project, because if London, Tokyo and New York can have a world-class public transport system, so can Melbourne.

Port of Melbourne lease

Mr M. O'BRIEN (Malvern) — My question is to the Treasurer. Since coming to office has the government made any amendment to the net proceeds

forecast in the budget from the lease of the port of Melbourne and, if so, by how much?

Mr PALLAS (Treasurer) — I thank the member for Malvern for his question, but it really does highlight the fact that those opposite gifted the people of Victoria — —

Honourable members interjecting.

The SPEAKER — Order! The Treasurer has hardly begun. The Treasurer to continue.

Mr PALLAS — It actually goes to the 2014–15 and the 2015–16 budget estimates. The former failed Treasurer basically accounted for in excess of \$5 billion in the 2015–16 budget. I have taken advice recently that has made it clear that if those opposite get out of the way, the people of Victoria might in fact stand to do better than that. But there is no certainty around that, let me be clear, because if those opposite continue to undermine the consensus that they purported existed — —

Mr M. O'Brien — On a point of order, Speaker, the question clearly related to amendments to the budget forecast and the Treasurer has not addressed whether there have been any amendments made to the budget forecast in terms of the proceeds of the proposed lease. I ask you to bring the Treasurer back to answering that question.

The SPEAKER — Order! I ask the Treasurer to come back to answering the question.

Mr PALLAS — Of course to answer the question you have to know where we have come from, and that is that those opposite, who now oppose the lease of the port of Melbourne, basically put on it a figure of in excess of \$5 billion.

We have recently, in the context of the budget, increased our assessment of what we believe will be forthcoming from the port. But we are not, and I am not, either in this house or anywhere else, going to take action that would compromise a fair and effective tender process that would enable the people of Victoria to get a fair outcome in respect of the tender process. The former Treasurer refused to tell Victorians how much he booked, and now he is attempting to subvert a tender process by asking me to do the same.

Supplementary question

Mr M. O'BRIEN (Malvern) — Now that the expected rent revenue from the port has been slashed as a result of the agreement between the Port of

Melbourne Corporation and DP World, can the Treasurer advise the house by exactly how much that will reduce the newly revised forecast proceeds of the port's sale?

Mr PALLAS (Treasurer) — The answer is there will be no reduction over the expected return brought to book already in our budget. Let me be clear. Why is that? It is because we have been able to increase over an eight-year period the rent being received by the port of Melbourne, essentially by 185 per cent. We have been able to do it with the agreement of the operator, by putting in place a modern lease for 50 years.

Those opposite were complaining about the fact that leases were going to be subject to some sort of predation by a private operator — what fools they must feel the moment. There will be a 50-year lease with entirely determined outcomes, effectively incorporated by agreement. The answer, pure and simple, is that there will be no negative impact upon the value of the lease on the back of advice we have already incorporated into the budget estimates.

Honourable members interjecting.

Ministers statements: Melbourne Metro rail project

Ms ALLAN (Minister for Public Transport) — I am very pleased to provide new information to the house on the progress that has been made by the Andrews Labor government regarding the transformative Melbourne Metro rail project. We have just heard from the Premier on the substantial progress that has been made, particularly on this critical part of the project — crossing the Yarra is a really complex part of the project. By getting on with establishing the authority and putting down the money in the budget, we are able to push on with this project.

I am also pleased to inform the house that last night a meeting was held by the Melbourne Metro Rail Authority — the Swanston Street traders information session. We are consulting with and providing as much information to the local community as we can about this transformative project. There was a great turnout last night. There were traders, there were landlords, there were business owners, there were tenants — even the members for Burwood and Hastings came along to the public information session. I could speculate that they were there for the free sandwiches, but what I am sure they took away from the night is that we are not wasting a minute in getting on with this project. We have the money in the budget, and we are pushing on.

I am sure the members for Burwood and Hastings would also have taken away from last night just how short-sighted their government's decision was to scrap this project and now kowtow to their Liberal masters in Canberra by backing their decision to rip infrastructure money away from Victoria and not support urban rail projects in their state. We should not accept this, and we certainly will not.

There was a glimmer of hope from Warren Truss, the Deputy Prime Minister, at the opening of the regional rail link, when he encouraged us to bring forward the Melbourne Metro rail project through Infrastructure Australia, and we will do just that. Infrastructure Australia has looked at this in the past and rated it Victoria's no. 1 project. We are pushing on with this no. 1 project.

Agriculture Infrastructure and Jobs Fund

Ms STALEY (Ripon) — My question is to the Treasurer. I refer to the government's claims of a \$200 million Agriculture Infrastructure and Jobs Fund from the proceeds of the sale of the port of Melbourne, and I ask: how does this fund, which represents around the same cost as just the Main Road, St Albans, level crossing removal, represent a fair share for country Victoria?

Mr PALLAS (Treasurer) — I thank the member for Ripon for her question. Perhaps the member might want to listen to some of the key stakeholders in rural and regional Victoria, who have been overwhelmingly supportive of this initiative. They said they advocated to this government, and we did something that those opposite never did — we listened to them. What is more, when we say we will do something, just as we did before the last election —

Mr Guy interjected.

The SPEAKER — Order! The Leader of the Opposition will allow the Treasurer to continue.

Mr PALLAS — When we say we will do something —

Mr Guy interjected.

The SPEAKER — Order! The Leader of the Opposition!

Mr PALLAS — We will get on and do it, because we are good to our word. The \$200 million — let me be very clear — for the Agriculture Infrastructure and Jobs Fund will drive economic growth. It will create jobs

and also boost exports from paddock to port, and that is a great outcome for rural and regional Victoria.

But of course that is not all we are spending in rural and regional Victoria. Perhaps I should share some of the initiatives in the area: \$12 million for Geelong High School, bridge strengthening for freight efficiency on the Glenelg Highway, bridge strengthening for freight efficiency on Portland-Casterton Road, the Drysdale bypass, road and rail works on the Colac-Ballarat Road upgrade, Portarlington Safe Harbour, Bellarine Secondary College and Drysdale Primary School. They go on, all through South Barwon.

If we want to look at the things that are going on right across rural and regional Victoria, we can see in this budget alone \$645 million spent in rural and regional areas. We are doing more than we promised. We are investing more money than we promised in rural and regional Victoria because we expect we will get more value for the port of Melbourne — if those opposite will stop talking the asset down.

If the legislation passes, then we will be able to give rural and regional Victoria that \$200 million extra, but if the legislation does not pass, the value of the asset will be reduced. It would be an act of vandalism, of malevolence of the highest order, that those opposite would be held accountable for. Our generosity, our commitment to rural and regional Victoria, is to grow an efficient, functioning port that is run effectively and to provide the benefits of that lease arrangement to all Victorians.

Supplementary question

Ms STALEY (Ripon) — Given that this government only allocated 2.9 per cent of infrastructure spend in the May budget for country Victoria, as well as scrapping the \$160 million country roads and bridges program, of which I know \$28 million was from the Ripon electorate's roads and bridges, how is this an indication of governing for all Victorians, particularly country Victorians?

Mr PALLAS (Treasurer) — We know what those opposite think about this deal because The Nationals have described the Victorian Farmers Federation's commitment and support for the port sale lease arrangements as being a 'dud' — \$200 million for rural and regional Victoria is a 'dud'. But we know what those opposite think a fair deal looks like — a fair deal looks like gutting TAFE; a fair deal looks like shutting down TAFE and shutting down the opportunities for young people in rural and regional Victoria.

Mr Clark — On a point of order, Speaker, the Treasurer is not only misleading the house, he is debating the question. I ask you to bring him back to answering it.

The SPEAKER — Order! The Treasurer will come back to answering the question.

Mr PALLAS — The question went to our commitment to rural and regional Victoria. Our commitment is real. Our commitment is tangible in the sense that not only are we making available over \$600 million of additional capital investment in rural and regional Victoria in this budget but we are also now offering an additional \$200 million over and above our election commitments. Let us not forget that the improvements we make in the arterial road network in Melbourne will substantially improve the wellbeing of Victorians.

The SPEAKER — Order! The minister's time has expired.

Ministers statements: port of Melbourne lease

Mr PALLAS (Treasurer) — This is a great day for Victoria — and the more questions I get, the greater the day gets. I rise to update the house on the government's initiative to lease the port of Melbourne and also correspondence I recently sent to the federal Treasurer about the federal government's asset recycling initiative scheme. Just about the only good thing in the federal coalition's 2014–15 budget was this scheme. In opposition and in government we welcomed this initiative by the federal government, as did those opposite, because at the time there was a somewhat belated bipartisan consensus that leasing the port of Melbourne made economic sense.

The scheme is not available in perpetuity — it is first in, best dressed — so missing our slot in the market risks the 15 per cent asset recycling scheme. It also reduces confidence for investment in this state. The joint financial advisers — appointed by those opposite — have advised me that bidder expectations were heightened by the bipartisan support for the transaction. It is those opposite who are risking Victoria's reputation and also the community's rightful share of the uplift of this asset lease. Leasing the port, according to today's *Herald Sun*, is an 'economic no-brainer'. Where does that leave those opposite? They are a bunch of airheads.

Victorians can be assured that we will do what we said we would do before the last election. The decision of Victorians at the last election will be given effect to.

That means this government will get on with delivering the infrastructure that Victorians voted for.

Agriculture Infrastructure and Jobs Fund

Mr WALSH (Murray Plains) — My question is to the Minister for Roads and Road Safety. Noting the Premier's Sunday media opportunity — bucket feeding cows at Bunyip — was to launch the — —

Honourable members interjecting.

The SPEAKER — Order! Both the Leader of the Opposition and the Premier will desist. Members understand clearly that when the Chair is on his feet, the house is to remain in silence. Otherwise the Chair is very determined — as members have heard before — to implement the standing orders, as they have empowered me to do as custodian of the sessional and standing orders. I must be able to hear the question, as should the media and the public. I was not able to hear the Leader of The Nationals putting his substantive question to the minister, so I ask him to start again.

Mr WALSH — My question is to the Minister for Roads and Road Safety. Noting the Premier's Sunday media opportunity — bucket feeding pet cows at Bunyip — was to launch the \$200 million Agriculture Infrastructure and Jobs Fund, which was stated to be money for farmers, I ask: is this not the same money that the very next day the minister promised for road and bridge upgrades between Geelong and Melbourne? Why did the minister promise this money to farmers on Sunday and give it to Melbourne on Monday?

The SPEAKER — Order! For the third time, but for a different reason, I am now going to ask the Leader of The Nationals to put the question again and to make it into the one question. I ask the Leader of The Nationals to be very succinct.

Mr WALSH — My question is to the Minister for Roads and Road Safety. Noting that the Premier's Sunday media opportunity, bucket feeding pet cows at Bunyip, was to launch the \$200 million Agriculture Infrastructure and Jobs Fund, which was stated to be money for farmers, I ask: why did he promise this money to farmers on Sunday and give it to Melbourne on Monday?

Mr DONNELLAN (Minister for Roads and Road Safety) — I thank the Leader of The Nationals for his question. Obviously it is a jobs and infrastructure fund, and it has a wide application. I find it quite difficult that the former minister fails to understand that the fund could be used for multiple purposes. It might be used to increase productivity in relation to our bridges from

high-productivity vehicles, which is what I was announcing in Lara the other day. Potentially that is an area that would benefit from an upgrade of the bridge.

I currently have VicRoads out there doing assessments across all our major freight routes. I noticed, I might add, that the Victorian Transport Association (VTA) was incredibly supportive of our endeavours in that space, because for many years the VTA asked the last lot to do something in that space and they failed to do it.

This is very much a fund which is not about pork and not about the barrel but about the purity of the product and about getting it to the port in the first place, and it is focused on productivity. It is not like this bird-brained scheme of country roads and bridges, which did not have a productivity focus. This is very much focused on trying to drive growth, jobs in our economy and so forth.

I might add that the Bunyip food bowl project is a project that is very much worthy of looking at. For many years the former minister comprehensively failed to do anything on that front. For four years nothing was done in relation to the Bunyip food bowl, and thank God the Labor Party came back to get on with the job of doing something for the agricultural sector.

Mr R. Smith — On a point of order, Speaker, the backbench looks a little glum. It might be an opportune moment for the Government Whip to send out another text.

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

Supplementary question

Mr WALSH (Murray Plains) — Given that the government promised Geelong to port of Melbourne road freight upgrades, including the Avalon Road overpass on the Princes Freeway, the Corio Quay Road bridge over Cowies Creek and three bridges over rail spur lines, I ask: is the minister seriously expecting Victorian farmers to believe there will be any money left for them?

Mr DONNELLAN (Minister for Roads and Road Safety) — I thank the Leader of The Nationals for his question. I find it rather amusing that his supporters — his voters, his farmers — somehow or other are able to fly their produce straight into the port. They do not use bridges around our major freight routes to get to the port. Somehow or other they just float in the air, like — —

Honourable members interjecting.

The SPEAKER — Order! The opposition asked the question, and the opposition will allow the minister to respond.

Mr Andrews — Maybe they could chopper it in.

Mr DONNELLAN — Maybe they could chopper it in — hire a chopper and get it in. Maybe that is what they should be doing. But I find it rather amusing that we are looking at assessing our freight route to make sure we can get higher productivity vehicles from the agricultural sector to the port, and somehow or other The Nationals do not support that. I find that rather amusing, and I think it is an indictment of them as a party.

Ministers statements: defence industry

Ms D'AMBROSIO (Minister for Industry) — I rise to update the house on the government's efforts to support the Victorian defence industry. This morning I have sought an urgent meeting with the federal Minister for Defence, Kevin Andrews, in light of the Prime Minister's announcement yesterday in Adelaide. Yesterday morning I met with workers at BAE Systems in Williamstown. I said to them that I truly hope that Tony Abbott is not trying to save federal education minister Christopher Pyne's job at the expense of your jobs. That is what I said.

Unfortunately we were right: that is exactly what those Williamstown workers got. The Prime Minister's announcement of a 2018 build for the offshore patrol vessels and a 2020 build for the frigates comes too late and is no comfort to the 600 remaining workers and their families at the Williamstown dockyards.

This is merely an attempt by Mr Abbott to save his job and the government's job. With this announcement there might be some comfort in some small role for BAE in terms of blocks, but the point is this: BAE has been clear that come the first quarter of 2016, it will be out of work; there will be no work coming to it. BAE needs work right now, and our government will stand by every single worker at Williamstown dockyards, and those opposite should do the same.

Ministerial office capability review

Mr GUY (Leader of the Opposition) — My question is to the Premier. I refer to the capability review into Minister Adem Somyurek's office and the recommendation by the Secretary of the Department of Premier and Cabinet to the Premier that:

... because the review has identified development areas that will improve the office's capacity and capability ... the

capability review process adopted in the review should be applied over time to all Victorian ministerial offices —

and I ask: given this direct recommendation that all ministerial offices should be reviewed, can the Premier advise the house which ministerial offices are first on the list?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. I would refer him to the report that Peter Allen produced. I would refer him to the report that His Honour Justice Strong produced. I think I have demonstrated a capacity to act on the findings of those reports. I think that is pretty clear. There were a number of recommendations made, and the government will consider each of those, as is the appropriate thing to do.

Not wishing to make light of what were very serious issues, I point out to the Leader of the Opposition, as the questioner in this instance, that as far as capability reviews go, there is a fair bit of work to deal with. We have the Office of Living Victoria to get to the bottom of, we have the Ventnor scandal to get to the bottom of, and then of course there is a range of other capability and capacity building projects, like TAFE, our hospitals, our schools — —

Mr Guy — On a point of order, Speaker, on relevance. The question I asked was very straightforward. I know the Premier wants to get off the topic, but the question was very straightforward: which ministerial offices will be audited first?

The SPEAKER — Order! I do not uphold the point of order. The Premier to continue.

Mr ANDREWS — As I was saying, the government has a very full agenda cleaning up the mess left by those opposite — a very considerable mess left by those opposite, which they barely acknowledge, let alone assist in the cleaning up of. These are important recommendations, and the government will give them the due consideration they warrant. If there are further announcements to be made, they will be made.

Supplementary question

Mr GUY (Leader of the Opposition) — I note that the Premier said in his substantive answer that he has a capacity to act on the findings, so I ask: will these ministerial office capability reviews that he will act on the findings of be made public when they are complete, or was that example only set for Minister Adem Somyurek?

Honourable members interjecting.

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. Central to his question is an acknowledgement that both of these reports were released publicly — not something one can say about Ventnor, not something one can say about Vertigan, the list goes on — I only have 45 seconds — —

Mr Guy — On a point of order, Speaker, on relevance, we know it is an uncomfortable topic for the Premier and his deputy. Will he make those reviews public or was that example only set for Adem Somyurek? That was the question. I ask you to bring him back to answering that question.

The SPEAKER — Order! The Leader of the Opposition will resume his seat. The Premier will continue.

Mr ANDREWS — The Leader of the Opposition can get as angry as he wants, but it is a nonsense question. This government is happy to be judged on those things that we release publicly and the honouring of each and every one of the commitments that we have made, which is a concept alien to those — —

Mr Guy interjected.

Mr ANDREWS — Vincent, Vertigan, Ventnor — we are not taking capability lectures from those opposite, nor are we taking transparency lectures from those opposite — from Mr Ventnor over here.

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Caulfield. The Premier and the Leader of the Opposition will come to order! The Deputy Leader of the Opposition will allow the Minister for Industrial Relations to make a ministers statement.

Ministers statements: penalty rates

Ms HUTCHINS (Minister for Industrial Relations) — The Andrews government made a submission to the Productivity Commission's inquiry into the workplace relations framework back in April. Yesterday the Productivity Commission handed down its draft report. We will be responding to this draft report. Members should make no mistake — this report signals a strong return to WorkChoices, and if it is implemented by the Abbott government, it will be devastating for many Victorian workers.

It proposes a system of enterprise contracts as well as a whole range of changes that will erode workers' wages and conditions. It also proposes a two-tiered system where penalty rates for frontline occupations are

maintained whilst lower paid workers, mainly in the retail and hospitality sector, will face reductions in their Sunday penalty rates. It will create an underclass of workers whose time with friends and family is valued less than that of other people in the workforce. Instead of attacking workers and resurrecting the worst elements of WorkChoices, the Abbott government should come up with fair ways to grow our economy.

This measure will really hit the 200 000-plus Victorian workers who work of a Sunday and will disproportionately affect women workers and the lowest paid workers. Clearly those opposite do not care as they walk out on this debate.

Honourable members interjecting.

Ms HUTCHINS — Whilst the gender pay gap continues to grow — almost edging at a 20 per cent difference between pay for men and women — I would like to quote Alison from Ballarat. She said:

While \$60 is a drop in the ocean to you and your colleagues it is a house to me and your attack on penalty rates is what may cost me this dream.

The Andrews government will continue to stand up for the right of all workers to be compensated for working unsociable hours, unlike those opposite.

CONSTITUENCY QUESTIONS

Bass electorate

Mr PAYNTER (Bass) — (Question 383) My constituency question is for the Minister for Environment, Climate Change and Water. I recently walked the Grantville foreshore with a group of committed local residents to view the erosion in the area. The extent of the erosion is of major concern to the group, as is the potential for further erosion. Unless preventive works are undertaken as a matter of urgency, the residents will be faced with a significant devaluing of foreshore properties with a potential for the loss of homes in the worst affected areas. The erosion is already so serious in some areas that services infrastructure is being exposed. Will the minister look at options to reduce the impact of erosion on and around the Grantville foreshore and develop a works plan to commence preventive works and communicate this plan to the residents without delay?

St Albans electorate

Ms SULEYMAN (St Albans) — (Question 384) My constituency question is to the Minister for Public Transport. Recently the Brimbank Bicycle Education

Centre wrote to me requesting the opportunity to obtain one of the old W-class trams that are currently in storage. The group aims to restore the iconic piece of Melbourne's history and provide classes and programs for the benefit of the community, including local Victorian certificate of advanced learning students and establish a men's shed group in the facility. Can the minister provide information on how these groups can secure the use of an old W-class tram that is currently in storage?

Gippsland East electorate

Mr T. BULL (Gippsland East) — (Question 385) My constituency question is for the Minister for Environment, Climate Change and Water. I ask the minister to provide an update on the progress of the East Gippsland water security project, which was to look at options to secure water supply in the Mitchell River basin. The water security project steering committee met regularly and was looking at various options, including off-river storage and on-farm storage options. With \$1 million having been invested by the coalition government into this project, I have been contacted by several constituents seeking outcomes from the work that has been done and asking what outcomes have been determined. I ask the minister to provide a detailed response on the outcomes of the work and where these proposals are currently sitting.

Geelong electorate

Ms COUZENS (Geelong) — (Question 386) My constituency question is to the Minister for Women, who is also the Minister for Prevention of Family Violence. I ask the minister to come back to Geelong to provide an update on the work of the Royal Commission into Family Violence.

The royal commission is now halfway through its public hearings. It has received almost 1000 submissions, and I know that some of them are from Geelong, including my own. The Geelong community is very keen to address family violence and to consider how we can make Geelong a safer place for women and children who experience family violence. Some months ago I conducted my own family violence forum. The forum has triggered further forums and discussions, which I am sure is a good thing. In the coming months I would like to have an update forum drawing the community back together to hear about the work undertaken by the royal commission and where our community can take a stand and look at potential outcomes.

South Barwon electorate

Mr KATOS (South Barwon) — (Question 387) My constituency question is to the Minister for Public Transport. I have been contacted by many constituents, including Clare Murphy, a daily V/Line commuter from Marshall to Southern Cross station. In her email she states:

Journey times have increased and overcrowding is abundant. In particular the 1610 Waurn Ponds service from Southern Cross has been grossly overcrowded every night this week prior to leaving Southern Cross. There are four carriages which clearly is not appropriate for the large numbers. Aisles are packed with standing commuters, which includes the elderly and mothers with children. It is a disgrace. I have sat on the floor for the long journey to Marshall.

...

As a daily commuter I am bitterly disappointed in the new timetable and overcrowded services. I have never contacted a MOP but I am so frustrated and outraged at this service I have to let you know what we as daily commuters are exposed to.

I ask the minister to conduct an urgent review of the regional rail services between Geelong and Melbourne to address the concerns of commuters about delays and overcrowding on the Geelong rail line.

Carrum electorate

Ms KILKENNY (Carrum) — (Question 388) My constituency question is to the Minister for Roads and Road Safety, who is also the Minister for Ports. Can the minister provide an update on what is being done to address the silting up of the mouth of the Patterson River in Carrum? As the minister would be aware, Patterson River is a very busy and popular access point to Port Phillip Bay for recreational boat users, who use regional boat ramps at Launching Way in Patterson River and various marinas within the Patterson Lakes area.

Water depths at the mouth vary naturally and can often change quite suddenly depending on the conditions. Currently Parks Victoria dredges the entrance about six times each year to meet a design depth of 2.5 metres. The channel depth is monitored on a fortnightly basis, and when the channel depth reaches 1.5 metres the dredge is deployed. However, the dredge vessel is based in Queenscliff and, depending on prevailing weather conditions and other dredging requirements, is not always able to get to the Patterson River in a timely manner. Many residents have raised concerns about this. I know local residents and boat users would welcome a review of dredging operations and channel design.

Ripon electorate

Ms STALEY (Ripon) — (Question 389) My constituency question is to the Minister for Education and is in relation to the related issues of where students can go for secondary school from Creswick. I wrote to the minister on behalf of a number of students from Creswick who want to go to Daylesford. I am advised that over half of the students from Creswick currently go to Daylesford Secondary College even though Creswick is zoned for the Ballarat zone, and as a result the buses do not work. The minister has written back to me and said that there was a review in 2014. Could he intervene and instruct his department to dual zone this school?

Sunbury electorate

Mr J. BULL (Sunbury) — (Question 390) My constituency question is to the Minister for Local Government. It concerns the government's Fair Go rates policy and the Essential Services Commission draft report on recommendations to implement this policy that was released last Friday, 31 July. The minister has regularly stated that the policy is about creating certainty for ratepayers and promoting sustainable and transparent councils. Many of my constituents supported this election commitment, and on their behalf I ask the minister to update the house on the draft report, the next steps the government will take to implement this policy and any commentary from stakeholders that the minister is aware of.

Eildon electorate

Ms McLEISH (Eildon) — (Question 391) My question is to the Minister for Emergency Services and is of great interest to the many Country Fire Authority volunteers in the Eildon electorate. I ask the minister to provide a time frame for the introduction of presumptive legislation to Parliament and, more importantly, to advise when volunteer firefighters will see the benefits of this presumptive legislation.

Prior to the election the coalition government announced its intention to introduce this legislation for firefighters. The legislation is to recognise the risks assumed by firefighters who work on the front line to keep our community safe. Not long after, Labor jumped on board and copied this commitment. However, true to form we have seen very little action from the government to date. My constituents are keen to know where things are at, and they are concerned that the policy has been forgotten or delayed. Volunteers need the same cover as full-time firefighters, as in many cases they attend more events per year.

Macedon electorate

Ms THOMAS (Macedon) — (Question 392) My constituency question is for the Minister for Local Government, and it concerns the Abbott government's cuts to the financial assistance grants to local government. Prime Minister Tony Abbott's cuts will cost Victorian councils more than \$200 million over the four-year period for which indexation of the grants has been cut. This means that, for example, Macedon Ranges Shire Council will lose around \$1.65 million over the first three years alone. That is equivalent to a reduction in funding of about 7.6 per cent compared to what would be expected without the cuts to indexation. Over the same period Hepburn Shire Council stands to lose around \$1.05 million. What we see here is that the Liberal Party cares nothing for the impacts its policy has on the people of my electorate and that members of The Nationals are too weak to stand up to them.

I ask the minister to update my constituents on any further changes to the operation of financial assistance grants and the ongoing implications for Macedon Ranges, Hepburn and all Victorian councils.

MATTERS OF PUBLIC IMPORTANCE

Infrastructure funding

The ACTING SPEAKER (Ms Halfpenny) — Order! I have accepted a statement from the member for Werribee proposing the following matter of public importance for discussion:

That this house notes that the Andrews Labor government is working to remove 50 of the most dangerous and congested level crossings and increase funding to regional Victoria through the Agriculture Infrastructure and Jobs Fund and calls on the opposition to support the Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Bill 2015.

Mr PALLAS (Treasurer) — It gives me great pleasure to speak in support of the matter of public importance because not only is this issue of critical importance to the long-term effectiveness of the Victorian economy but it also goes to the credibility of the political discourse that goes on in this state and the mandates that parties seek to enable them to proceed with legislation.

Prior to the last election we said that we would lease out the port of Melbourne and that we would use the proceeds to remove our 50 most dangerous and congested level crossings. Some, including the member for Malvern, said that we had overvalued the port — he was talking down the value of his own asset — but his position subsequently changed. He also said that the

port could not be leased until the port of Hastings was operational, but that all changed when a few months later he jumped on board the good policy bandwagon that Labor had initiated. What we saw was, in essence, a government bereft of policy jumping behind an effectively resourced and well-argued position of the then opposition, now the government.

We have a mandate from the Victorian people, and we expect that mandate to be honoured. If those opposite do not honour the mandate, what they will have done is once again have sought to trash the right of the Victorian people to have a say about how their resources are applied and to apply their vote to a well-resourced and effectively argued policy debate. The people of Victoria can expect from this government what we said we would do. They will get what they voted for, not a dodgy road for which those opposite were unwilling to show the rationale, the business case or the benefit-cost ratio. Victorians will get to see in full and comprehensive detail all the rationale in thinking and support for what is ultimately one of the great enabling initiatives of government. We are honouring this commitment, and we are getting on with the job of delivering the infrastructure that Victorians voted for.

Now that those opposite are trying to stand in the way of something they supported before the last election, there is not a moment to lose. It demonstrates the goldfish principle of politics — that is, if we just wait 5 seconds, people will forget what we said moments ago. There is a mentality of burning down the village to save it, thereby stifling opportunities for infrastructure and resourcing for which the people of Victoria voted. We as a government remain committed to delivering the infrastructure that Victorians voted for. That infrastructure was part and parcel of an up-front policy. We told Victorians that we would deliver a lease of the port of Melbourne, develop a second container port when demand demonstrated a need for it and listen to the advice of an independent body. If only those opposite listened to sensible advice, maybe they would be sitting on this side of the dispatch box.

Leasing the port was a bipartisan commitment. Work began under the Liberal government, and \$2 billion to \$2.4 billion over four years has been allocated to commence the level crossing removal program. This will be funded by the proceeds of the sale of the lease of the port of Melbourne — proceeds that those opposite brought to book in the 2015–16 financial year.

The case for level crossing removal is strong, and 50 will be removed over eight years. Work is underway on at least one of those, and we have identified 17 that are

already in the planning stage and will be delivered as part of our commitment to 20 level crossing removals in our first term. The case for level crossing removal is strong from a safety and an operational point of view. As we add new trains to the network, boom gate closures will see congestion building to untenable levels unless we do something. We must act. We are keeping our word and getting rid of these crossings. Those opposite are trying to stand in the way of progress and of our keeping our word to the Victorian electorate. They will not profit by this act of treachery that undermines the mandate the people of Victoria gave this party.

The Liberal Party and its pets, The Nationals, are standing in the way of the proceeds from the lease of the port that will fund the removal of 50 of our most dangerous and congested level crossings and a new \$200 million agriculture and jobs fund to help our farmers get produce from paddock to port. This \$200 million fund will also drive economic growth, create more jobs and boost exports, particularly agricultural commodity exports.

The \$200 million Agriculture Infrastructure and Jobs Fund is supported strongly by industry, with the Victorian Farmers Federation (VFF) praising the initiative as a massive win for the regions. Business groups like the Victorian Employers Chamber of Commerce and Industry (VECCI) are urging the Liberals and The Nationals to get out of the way and support the lease legislation. Even the *Herald Sun* today calls it a no-brainer. Anybody standing in the way is a no-brainer. The \$200 million agriculture and jobs fund will provide for practical projects of value to the agriculture sector, such as upgrading irrigation infrastructure, grain terminals, road works to improve access for heavier vehicles, strengthening biosecurity measures and investing in farmers' business management skills to enable them to become exporters.

Members of The Nationals might change their party's name, but they will need to do more than that to reverse the damage they did in cahoots with their Liberal Party colleagues in stifling the opportunity for regional and rural Victoria that will be a consequence of this vital fund. Then they can stop scaremongering and get behind this legislation, because it is the only way we will be able to maximise the value of the return on the lease of the port.

Victoria's independent regulator, the Essential Services Commission, will oversee an enhanced pricing structure for port users — a structure unprecedented and not consistent with the conservative model of port privatisation. We are seeing a continued and substantial

opportunity for involvement and activation by the Essential Services Commission. Both sides of politics have trusted the commission for years to regulate energy, transport and water. They know full well that annual tariff increases will be capped at CPI for a minimum of 15 years to protect Victorian producers, manufacturers, other exporters and importers, and consumers.

The port of Melbourne has agreed to a price freeze on export containers for the 2015–16 financial year. It has also recommended that the government should apply a further 2.5 per cent reduction in the four years thereafter. The government has accepted that position and has indicated that it will be incorporated in the leasehold arrangements.

There is a lot of talk about a second port. Make no mistake: there will be a second port in Victoria and it will be demand driven. Victoria will need a second port. The port of Melbourne lease transaction will not preclude a second port. There will be a second port. I do not know how I can make it any clearer.

When in opposition the government was very clear with the people of Geelong. It has always said that a second port would be needed in the 2030s. Infrastructure Victoria will provide independent advice to the government on the best location for and timing of a second complementary port. Basically there is a difference between the pre-Copernicans on that side and those on this side. We actually listen to advice from the experts. We are not simply making decisions on whim and fancy.

On the matter of compensation, I say two things. Firstly, the coalition's 2014 report by KPMG Australia recommended a compensation regime to provide certainty for investors and consistency in commercial transactions of this type. So let us be clear about this: the member for Malvern, when he was Treasurer, appointed KPMG. The report that the coalition sought to have publicly released, and which the government did release publicly, made this very clear. KPMG recommends a compensation regime to provide certainty for investors and consistency in commercial transactions of this type. What type are we talking about? Perhaps we are talking about the CityLink compensation arrangements. Perhaps we should look at those.

Not only did the Kennett government seek to embellish the asset by closing arterial roads elsewhere to filter traffic onto this toll-charging, money-making fund, but it also put in place compensation provisions — otherwise known as material adverse events. Material

adverse events included a compensation regime that the state would have to pay if it failed to honour its commitments at the point of the leasehold being entered into. I do not know if coalition members are being economically illiterate or just purely obstinate, or maybe they are just being disingenuous with the Victorian people, but this nonsense that we hear about compensation is nothing short of a demonstration that those opposite will leave no stone unturned in an attempt to confuse, obfuscate and delay and ultimately will burn down the village to save it. That is the sort of mentality that Victorians and Australians more generally have just about had enough of.

Secondly, I have said it before in this place, and I will say it again: the best compensation the people of Victoria got was waking up on the day after the election knowing that the member for Malvern's tawdry mob had been purged from the government benches. How can anyone take Mr Side-Letter seriously? The member who signed that obscene document has proven that he does not serve his constituents in Malvern; he only serves himself and his self-interest. Millions of dollars were secretly signed away, kept secret from the people of Victoria and ultimately revealed to the world after the election. This demonstrates exactly how tawdry politics had become in the minds of those opposite.

The Labor government released the east-west link documents. We have been, are and will continue to be open and transparent. Unlike our predecessors, we will act responsibly. Those who preach from the sidelines are recent converts to the cause of transparency and accountability. Victorians will not fall for that. They know exactly what those opposite did. We could have had wheelbarrows wheel in all the documents they kept secret. Let us remember those secret business cases — the ones that talked about having to toll every inner-metropolitan freeway in order to pick up the shortfall of their dodgy road and dodgy business case, which they sought to keep secret. All of this is now on the public record. What is even more transparently apparent is that the public record condemns those opposite for the way in which they failed to apply any rationale or reason for their choices in terms of infrastructure spend and for the way they failed to engage the people of Victoria in an open and real dialogue about their needs. Now of course we are facing the most tawdry of all outcomes. Those opposite seek to subvert the policy that was taken to the people at the last election. They seek to undermine this government's mandate. They seek to short-change the people of Victoria by opposing the processes we are putting in place in order to maximise value.

But it was not me who said that oppositions should get out of the way and not undermine the value of the government's strategy to lease the port. It was the member for Malvern when he was the Treasurer of Victoria. Now his tune has changed. Why has it changed? It has changed because opportunity rings louder in his ears than good governance and his responsibilities to the people of Victoria. The government will not be taking any more of those evangelical sermons from those opposite. They are not fooling anyone in this house, and more importantly they are not fooling anyone in the state of Victoria. Memories are long in politics, and it is but months since the legacy that those opposite encumbered upon Victorians has been revealed, and is now being relieved by this government. Those opposite committed an act of treachery against the Victorian taxpayer because they were afraid to tell them what their plans really were.

Now we will hear a lot of bombast and bluster about the need for openness and accountability. What a joke coming from those opposite! They are the ones who did anything and everything they could to keep secret their plans from the people of Victoria. They committed an act of treachery. The member for Malvern is a disgrace. The Liberal Party is a disgrace and that side letter is an obscenity. Documents prove once and for all that the Liberals knew their east-west contract was no good. In an act of desperation the member signed this obscene side letter as a last-ditch attempt to cover up his botched contract. The opposition to this legislation by the Liberals and The Nationals is crumbling around them. We are seeing support from the Victorian Employers Chamber of Commerce and Industry and the Victorian Farmers Federation. We are seeing support coming from those in the farming sector and those in regional Victoria who stand to profit by an effectively managed process. It is about time Victorians got what they voted for.

The ACTING SPEAKER (Ms Ryall) — Order!
The member's time has now expired.

Mr M. O'BRIEN (Malvern) — Arrogance, dishonesty and incompetence is a dangerous cocktail — and we have heard it in spades from the member for Werribee. Absolute dishonesty was dripping from his lips — dishonesty to the people of Victoria; dishonesty in this Parliament. He can come in here and make all the claims he wants to make, but the truth will out.

He is an incompetent Treasurer. You have to be incompetent to cut the infrastructure budget by 24 per cent, you have to be incompetent to cut the infrastructure budget by \$6.4 billion and you have to be incompetent to pay hundreds of millions of dollars in

compensation to cancel a much-needed infrastructure project for this state and cancel over 3000 jobs and keep Victorians stuck in traffic. You have to be dishonest if before an election you say, 'No compensation will be payable' but when you get into office you sign a blank cheque. And you have to be arrogant to lie before coming into this place and do the opposite when you get in, and then claim the moral high ground.

Is it any wonder that Victoria has gone from having the strongest finances of any state in the country under the former coalition government to being in the middle of the pack and falling towards the back under this hopeless Treasurer that Victoria now labours under?

Let us talk about dishonesty and what people said before the election.

Ms Ward interjected.

The ACTING SPEAKER (Ms Ryall) — Order! The member for Eltham.

Mr M. O'BRIEN — Let us hear about what the Treasurer and his mate, the Premier, said before the election. They went down to Geelong and told the people of Geelong that they were going to get a second container port. They said they were going to build Bay West. They said it was going to mean 'jobs, jobs and more jobs' for Geelong. Here is what was said by the then Leader of the Opposition, the now Premier, to Neil Mitchell on 5 March 2014:

... Mitchell: And you're not going to develop Hastings. You're going the other way?

... Andrews: We think Bay West is a much better option. You and I were down in the great city of Geelong last week and if ever there was a region that needed an industry, that needed a real kick along, a Bay West port option; the freight and logistic potential, the jobs, jobs and more jobs that can come from that is significant; in fact it's huge and that's why we favour the Bay West option, Neil.

That was the Premier back in March last year. Yet he and this grubby Treasurer have bowled this grubby legislation into this Parliament that kills off Bay West, kills off a second container port option for this state, not just for a year, 2 years, 5 years or 10 years but for 70 years. That is contrary to what was said by the then shadow Minister for Ports, the now member for Sydenham, who was relieved of that responsibility after the election. During the election campaign the shadow Minister for Ports told the *Australian Financial Review* that Labor favoured a 40-year port option. So there was agreement between the parties.

There was one vaguely honest thing the Treasurer said in his contribution — that is, that both parties agreed on

a medium-term lease for the port of Melbourne and the development of a second container port. Yet we have seen this grubby government having to pay out hundreds of millions of dollars in compensation, which it promised it would never do, to rip up the east-west link contract, and we know it has a whole bank of union IOUs lined up that it has to pay. In typical Labor fashion — typical Labor financially incompetent fashion — it has decided it is prepared to kill tomorrow to squeeze a dollar today. Government members are saying, 'Hey, if we sell a monopoly, then we can get more money for it'.

Ms Ward interjected.

Mr M. O'BRIEN — I hear the socialist from Eltham. She would have been opposed to the introduction of Optus and would have been one of the people campaigning against it — 'No, let's keep it all in public hands, let's have public monopolies — because the good old Socialist Left (SL) love their monopolies, do they not? I would have thought that even a crypto-commie like the member for Eltham would have had a few concerns — —

Honourable members interjecting.

The ACTING SPEAKER (Ms Ryall) — Order!

Mr M. O'BRIEN — With a private monopoly!

Honourable members interjecting.

The ACTING SPEAKER (Ms Ryall) — Order! The member for Eltham and the member for Essendon will desist.

Mr M. O'BRIEN — Apparently even the red flag wavers in the SL in the Labor Party now support private monopolies. Is that not interesting? But it is not good for the economy, it is not good for jobs, it is not good for trade — —

Ms Ward interjected.

The ACTING SPEAKER (Ms Ryall) — Order!

Mr M. O'BRIEN — It is not good for our importers, it is not good for our exporters, and it is not good for our farmers. That is why this is a dud bill and the coalition will not be supporting it. This is a broken election promise.

Let us look at an editorial of the *Geelong Advertiser* from — what date is it? I will find the date. It says — —

Honourable members interjecting.

The ACTING SPEAKER (Ms Ryall) — Order! I say to the member for Essendon and the member for Eltham that I do not wish to have to call in the Speaker. I thank them; they will desist.

Mr M. O'BRIEN — Under the heading 'Our port was but a dream' it says:

Geelong's hopes for new port at Bay West appear to have been sunk.

Despite Labor floating concepts for the port in our bay in July last year, that idea appears to have been scuttled.

...

And that is a shame.

The Labor Party campaigned hard against the port of Hastings proposal by the Napthine government.

It gave every indication that Bay West was its preferred location for a second port.

The *Geelong Advertiser* supported that view.

Now it seems we have all been short-changed.

...

Now those plans look like a smokescreen, aimed at putting out a perception that it was never going to live up to once it won office and leased out the port of Melbourne.

It also says:

... if you lie to the electorate, you will be punished.

That is in the *Geelong Advertiser*.

Honourable members interjecting.

The ACTING SPEAKER (Ms Ryall) — Order!

Mr M. O'BRIEN — I see the member for Geelong laughing at the editorial in the *Geelong Advertiser*.

Ms Couzens interjected.

Mr M. O'BRIEN — I see her laughing at the betrayal of her own party on Bay West. I see her laughing at the loss of jobs in Geelong. I see the absolute lack of interest that the member for Geelong has in Bay West being scuttled by this Labor government. It reflects very poorly on her and on her absolute dereliction of duty. The member for Geelong is Labor first and Geelong second — she is Labor first and jobs second, and it is disgraceful.

Let us talk about the inquiry. This is the biggest privatisation in a quarter of a century, and you would have thought there would be parliamentary scrutiny. Many groups would agree with the opposition. Here is

what is said in a press release from the Victorian Employers Chamber of Commerce and Industry (VECCI) of 3 August:

VECCI generally supports the position outlined by the draft terms of reference for the inquiry.

That is interesting. Here is what the AI Group Victorian director, Tim Piper, said on 27 May:

... industry is cautious of suggestions that some port prices will not be subject to a CPI cap; that long-term restrictions will be placed on the emergence of potential competition from new ports; and that some price caps will have a finite life.

The business community needs to feel certain that additional costs and exposure to increases are not unduly levied on stevedores, port users, the broader business community and ultimately Victorian consumers.

This legislation clearly has long-term implications for the economy and we welcome the additional time that has been given to consider the full range of its potential impacts ...

Here is what a publication from Freight & Trade Alliance, a very important stakeholder in matters of leasing ports, says:

Below is a summary of key issues and preliminary views:

1. No restrictions on vertical integration

...

2. Monopoly compensation

...

3. Stevedore rents not regulated

...

4. Price increases not capped at CPI

...

FTA sees merit in an upper house inquiry to resolve these outstanding issues.

There are plenty of business groups who believe this government has got it wrong. There are plenty of business groups who want to see an inquiry and will see an inquiry, because I am very confident there will be an inquiry through the other place. In fact I would not be surprised if government members ultimately voted for that, because despite saying previously that he did not believe in inquiries, the Premier is now saying, 'Well yes, the Labor Party does support an inquiry into this piece of legislation'.

Let us have a look at some of the other issues around infrastructure. There has been talk about level crossings. I see the Minister for Public Transport across

the table. The removal of the Burke Road level crossing at Gardiner station in Glen Iris is going ahead. It has been delayed by this government. It was supposed to have started much earlier, and it was going ahead fully funded in the coalition's last budget. We are yet to see the Labor government remove any level crossings. This government has removed one more minister than it has level crossings.

Ms Allan interjected.

The ACTING SPEAKER (Ms Ryall) — Order! The minister will not reflect on the Chair, and I call her to order.

Mr M. O'BRIEN — We see that the government is now completely politicising — inappropriately politicising — the process of removing level crossings. I make reference to an advertisement published in the *Caulfield Glen Eira Leader* of 21 July this year. This is from the government's new bureaucracy, the Level Crossing Removal Authority. The ad is for a community information session regarding proposed removals of level crossings, including the one on North Road. I note that the removal of the North Road level crossing was funded previously. This ad has the Victorian government crest down at the bottom, and it has the Level Crossing Removal Authority logo down at the bottom. Where do you RSVP to attend this community information session? To nick.staikos@parliament.vic.gov.au! We now have government agencies directing people to their local Labor member of Parliament if they want to participate in a community information session. What an absolute disgrace from the grubs opposite!

Honourable members interjecting.

The ACTING SPEAKER (Ms Ryall) — Order! I call the house to order!

Mr D. O'BRIEN — This is a misuse of public resources. The member for Bentleigh is not the Minister for Public Transport. He is not a parliamentary secretary. He is nothing; he is a backbencher. He has no authority at all to be the RSVP point for a community information session. Why should it not have been someone else? Why not one of the members for Southern Metropolitan Region in the Council? Georgie Crozier, a member for Southern Metropolitan Region in the Council, would have been a great RSVP point. Margaret Fitzherbert, another a member for Southern Metropolitan Region in the Council, would have been a great RSVP point. Of course that would be inappropriate. It is not appropriate to have a member of Parliament as an RSVP contact point for a publicly

funded public information session that is being run by the government.

This government does not understand the difference between the government's interests and the Labor Party's interests. Government members have their snouts in the trough. That is an absolute disgrace.

Honourable members interjecting.

The ACTING SPEAKER (Ms Ryall) — Order! There are a number of members whom I have called to order on a number of occasions. I do not wish to have to call in the Speaker to recommend that they be booted from the house. I call the house to order, and I call the member for Malvern.

Mr M. O'BRIEN — This is an appalling abuse of taxpayer money by a grubby Labor Party that does not see any difference between the Labor Party's interests and taxpayers' interests. It will be very interesting to see if this appalling abuse of resources is repeated in the future.

I note that the Premier put out a press release today titled, 'Melbourne Metro rail tunnels under the Yarra'. It is very interesting to see that almost half the expected cost has been funded. It is pretty special to start a project when you only have half the money. The government does not even know where the rest of it is coming from. However, I liked the first line of the press release, which says:

The Melbourne Metro rail project is taking shape, with the Andrews Labor government choosing tunnelling as the preferred method for the crossing underneath the Yarra River.

You have to wonder: what was the alternative they were thinking about? Were they planning to put the river up on a bridge — elevate the river, and drive the trains underneath! What a great thing! This government is so hopeless that it has finally worked out that tunnelling is the best way to get underneath a river.

This is a hopeless government. It has no credibility, and that is why all of its plans need to come under stronger scrutiny. That is exactly what this coalition will do.

Ms ALLAN (Minister for Public Transport) — The Victorian community can breathe an enormous sigh of relief after watching that performance — and it was a performance — from the failed former Treasurer, who was appealing more to the boys on the backbench than he was to the Victorian community. The community can breathe a sigh of relief about how they have dodged a bullet now that the member for Malvern is no longer occupying the Treasury bench with the election of the Victorian Andrews Labor government, because he has

demonstrated his fundamental lack of understanding of what it means to come up with a policy idea that is about improving transport in this state, delivering against that project and going about working with the local community. The member for Malvern's characterisation of the Treasurer at the outset reminded me of that saying, 'Mirror, mirror, on the wall, who is the fairest of them all?'. The member for Malvern should keep looking at that mirror; it is the only one who thinks he is the fairest of them all in this state.

It is so important that this government gets on with delivering exactly what it said it would at the last election for the people of Victoria, and that is working to remove 50 of the most dangerous and congested level crossings. We are setting a cracking pace. We have already started the process of removing 17 level crossings, so what the member for Malvern is trying to say — that we have not yet removed any level crossings — is nonsense. We have been in government for eight months. It takes a little while to do a level crossings removal program. This again demonstrates the fundamental failure of the former failed Treasurer to understand how to deliver an infrastructure project. We have started on 17 level crossings, and that is a demonstration of how we are moving on this important program as quickly as we can.

We have awarded contracts for the removal of four level crossings at North Road, Centre Road, McKinnon Road and Burke Road. This captured a bit of interest the other night in Bentleigh, where 450 people attended a public meeting to hear about the North Road, Centre Road and McKinnon Road level crossing removals. That is not a bad thing. The failed former Treasurer was going on about how outrageous it was that the local member for Bentleigh was doing his job, holding a public meeting! To call a member of Parliament a nobody and say he had no authority to hold a public meeting again demonstrates fundamental lack of understanding by the failed former Treasurer and those opposite of how you talk to and consult with a community about important projects in its local area.

We are working very hard on the level crossings in the first package we announced. Construction has now started on the Burke Road removal. I pick up the claim that the failed former Treasurer made about this one. How much funding was spent in the big claim of those opposite that this was their project? How much was spent on this level crossing removal proposal? The former government spent \$1 million on that. That demonstrates its commitment to getting on with this project!

There is also the second package of works at Main Road and Furlong Road, St Albans, Blackburn Road, Blackburn, and Heatherdale Road near Blackburn Road, which I imagine people in this chamber might also have an interest in. Again it astonishes me that those opposite have been led by the nose by the failed former Treasurer, the shadow Minister for Ports and the Leader of the Opposition into thinking it is a good idea to oppose removing a level crossing in their electorate. It is astonishing politics. A preferred contractor has been selected for this package of works, and work will commence on the Main Road and Furlong Road sites in the coming months and on the Heatherdale Road and Blackburn Road sites early next year.

I move on to the Cranbourne-Pakenham crossings. We are removing all nine level crossings between Dandenong and the city as part of this project, and again we are working very hard on this. Geotechnical work has already started along the corridor. We have identified two bidders — two consortiums — to go through to the next stage of the tender process to undertake this big piece of work removing all nine level crossings along this corridor, Melbourne's busiest public transport corridor. To give an example — and I know the member for Clarinda is very interested in these ones in particular — the Clayton Road level crossing is down for, I think, 82 minutes and the Koornang Road, Carnegie, crossing is down for 87 minutes in every 2-hour morning peak. This causes congestion, frustration and significant safety risks. By removing these level crossings we want to unlock congestion, get people to work quicker, get people home sooner to be with their families and address safety issues.

Where are we now? The Andrews Labor government is working incredibly hard on this program of works, and it appears that the opposition is working pretty hard at having multiple positions on this issue. Previously the Leader of the Opposition has spoken of the economic advantage of removing level crossings. He has talked about it being important in terms of logistics, safety and a range of other reasons. Now he wants to block this program by opposing the port of Melbourne legislation. At the same time that this carry-on is happening in the Parliament, members of the opposition are writing to me begging me to add more level crossings to the list. The member for Box Hill and the member for Croydon, who is the shadow Minister for Ports, are asking me to do more and go further than the 50 that Labor committed to at last November's election and that they opposed. They say, 'Oh, we opposed your policy program but now that we're in opposition and have been out there and talked to our community, we want you to do even more'.

I move to the latest position taken by the Leader of the Opposition in commentary that has featured in the Moonee Valley press. I know the member for Essendon is keenly focused on these issues as well. The Leader of the Opposition has revealed another position, and I fear that this is his true position. It is that he would put a halt to the program. He would pull up stumps on the Andrews Labor government's 50 level crossing removal program. He has revealed that he will only commit to projects where contracts have been signed. An article in the *Moonee Valley Leader* states:

Asked whether he would follow through with Labor's list of 50, Mr Guy said he would take advice from independent body Infrastructure Victoria on what projects should be prioritised.

The Andrews Labor government has identified the 50 level crossings it wants to remove over an eight-year period, and the government is getting on with that. These communities know they have the support of the government, but they are hearing that those opposite are prepared to walk away from a significant number of those level crossings if it suits them. It is instances like this that make the community so frustrated.

The Andrews Labor government has outlined an eight-year agenda — not a four-year agenda to fit the political cycle. We have gone out there with a program and said, 'It will take a long time to remove all 50 level crossings'. We identified the priority ones that are the most dangerous and the most congested, and we took that to an election. That was resoundingly endorsed at last November's election by the Victorian community. The community wanted this program of 50 — not of 17, 20 or whatever number the Leader of the Opposition wants to choose. It endorsed this program of 50, and that is what we are doing. We have set up the Level Crossing Removal Authority, an important delivery agency dedicated to the task of removing all 50 level crossings. Now the community is hearing from those opposite that they are prepared to walk away from this program. It is an eight-year program, not a four-year program. It is not a program that fits the political cycle to suit the whim of those opposite.

At the 2014 election communities endorsed this eight-year program that those opposite are now indicating they are prepared to walk away from. It will be an interesting conversation that we have with those communities, telling them that the opposition is prepared to walk away from this. There is a pretty clear choice between a government that has started to remove 50 level crossings over eight years — a policy it took to the election, that was endorsed by the community and that it is now working very hard on — and an alternative government that is more interested in saying one thing before the election and doing the complete

opposite after it when it comes to the port of Melbourne.

There was a bipartisan position on the port of Melbourne issue before last November's election. For political purposes, for bomb-throwing purposes, those opposite have changed their position and the Victorian community will remember it.

The ACTING SPEAKER (Ms Ryall) — Order! The honourable member's time has expired.

Mr WALSH (Murray Plains) — I rise to make a contribution on behalf of the opposition to the member for Werribee's matter of public importance, which, to precis it, in effect says to the opposition, as the Premier has been saying for quite a while now, 'Get out of the way. Let us do what we want to do. Actually don't act like a responsible opposition. Don't scrutinise legislation. Don't make sure things are done in the best interests of Victoria'. The Premier and some of his ministers might think they are in a union meeting where they can bully their way through different issues, but this side of the house will not be bullied by the Premier and we will not be bullied by any of the ministers to accept something that may not be in the best interests of Victoria.

The legislation, which was dealt with by this house before the winter break, is being dealt with by the upper house this week. The motion that has been — —

An honourable member interjected.

Mr WALSH — I will come back to the Victorian Farmers Federation (VFF). The motion being debated in the upper house today is about applying proper scrutiny to one of the biggest decisions the Parliament will make in this term of government. It is about a key piece of infrastructure in Victoria. It is our gateway to the world, and as a member who represents country Victoria, which uses that gateway to export out of the state, I want to make sure it is a good deal that is in the best interests of all Victorians, but particularly in the interests of exporters out of the state, of which the majority come from country Victoria.

I draw the attention of the house to the 70-year lease. Seventy years ago World War II had just ended. The government is saying in effect that at the end of World War II the Victorian Parliament knew what was in the best interests of those of us here now in 2015. That is why we need really detailed scrutiny of the legislation. Forget the humbug from the government that this is only about a 50-year lease with maybe a 20-year extension. That 20-year extension can be made using the signature of any Premier of the day between now

and when the 50 years runs out. I will put on a bet with the member for Broadmeadows that within the first term of the Labor government it will be extended by another 20 years. It will take the cash and run, and into the future we will have a 70-year lease. That is why this legislation needs to be scrutinised.

It is interesting that we are even having this debate today, when 50 metres away in the upper house, as I understand it, the government has now agreed to have a parliamentary inquiry into this matter. Why are we having this debate if it is not just about grandstanding and huffing and puffing by government members? Perhaps the Treasurer, the member for Werribee, might want to talk to the Special Minister of State to find out what is going on in the upper house. He might realise that in some ways this debate is redundant. As other members have said, maybe it is about different factions; maybe they are not talking at the moment. Maybe Michael Donovan was not acting as a go-between to make sure everyone knew what was going on in this place.

It is interesting that the Treasurer was the Minister for Ports in 2010. At that time we heard the minister talk in this place constantly about how good the port of Hastings would be when it was built. Somehow in moving from one side of the house to the other the member for Werribee forgot about the port of Hastings. Suddenly on his way to opposition he had an inspiration about Bay West. The shadow Treasurer has already been very articulate in pointing out the absolute deception of the people of Geelong in relation to Bay West. It was something that the government trumpeted in opposition. It said it would be the saviour of jobs in Geelong; it would create thousands of jobs in Geelong. I think I can remember one government member, when questioned about whether Bay would be a good location for a port, saying, 'You do not build a port for ships; you build a port for road freight'. My advice is that Bay West would have been a disaster for ships and an environmental disaster for the bay and for the Ramsar wetlands in that area.

Mr Pallas interjected.

Mr WALSH — It is interesting that the Treasurer is interjecting.

Over the last few weeks we have seen a number of media stunts where different ministers have gone out to make announcements about level crossing removals. Now they are making announcements about where this magic pudding of money from the port sale will be spent over time. The classic of those media stunts was on Sunday, when the Premier got away from the tram

tracks — not very far away from the tram tracks, mind you — and went to Bunyip to feed a few pet cows. As soon as I saw the media clip on the telly with the Premier holding a bucket and feeding a few Angus cattle I thought, 'This has got to be a media stunt', because if they were decent cattle they would have knocked him over to make sure they could get to the bucket even quicker. They were obviously pet cows.

Following that announcement on Sunday, we have seen ministers running to all points close to Melbourne — not very far away — saying what would be funded out of this magic \$200 million Agriculture Infrastructure and Jobs Fund. It could fund almost anything you ever wanted it to fund. It will fund lots of fantastic things.

Mr D. O'Brien interjected.

Mr WALSH — I am going to come to the fairytale and the magic pudding. It is effectively the magic pudding. The Minister for Roads and Road Safety has announced that the money will fund bridge upgrades in Geelong and along the Princes Freeway. The money is for farmers, but the government is going to use the money on the Princes Freeway between Geelong and Melbourne. I am sure the people of Manangatang, Underbool or Hamilton, or particularly the people in South Gippsland who want their highway upgraded, will not be happy that the money is going to be spent there rather than on their roads.

As the member for Gippsland South interjected, there is a nursery rhyme about the magic pudding. One thing I will say for Labor is that it is very good at magic puddings. It has said that the fund will do great things. It will fund this and that, and it will fund something else. It will just keep on giving and giving, and if you chop a bit off, it will grow again. The only trouble is that after a few years the budget will be in deficit because this is not a nursery rhyme. It is a fact that Labor cannot manage money and it cannot manage major projects. That will be the issue with this fund. Labor will not manage the fund well, and it will not manage the money well either.

The Treasurer and the Premier have had a lot to say about the Victorian Farmers Federation's support. As I understand it, the only industry group that would come on board with this was the VFF. It is interesting to look at some of the different arms of the VFF. In an article in the *Weekly Times* Adam Jenkins, the president of the United Dairyfarmers of Victoria, said:

... the \$200 million fund was 'well short' of his expectations and called on the government to 'put in writing' —

because he does not believe the government and he wants to see it in writing —

how it would ensure port charges and rents did not drive up the cost to exporters.

VFF grains group president, Brett Hosking, said there was 'no doubt the government was using the fund to get support from the Greens and opposition'.

The opposition will not be bought off by the Treasurer with the scraps from the table. If there is going to be \$7 billion and there is only money equal to one level crossing in Melbourne for country Victoria, it is not enough. One member of the VFF might be supportive of this and backing the government — —

Mr Nardella — One member?

Mr WALSH — One member: the president.

Mr Nardella interjected.

Mr WALSH — There is. There is a whole range of commodity presidents who are not happy about this deal. The work that they are doing is effectively saying that the increased charges will be more than the money they are going to get for the first 4 years, bearing in mind that this is a 70-year deal. Their charges are going to go up. They are not going to get any money out of this. For a little bit of short-term gain — 30 pieces of silver — they are going to be paying for the next 70 years. Farmers are very concerned that the Treasurer has done a smoke-and-mirrors, pea-in-thimble trick, which will cost them dearly in the long run.

Mr DONNELLAN (Minister for Roads and Road Safety) — The sale of the port is something Labor was clear about before it went to the last election. We made a clear statement that we would put the port up for leasehold sale and, with the mandate given to us, obviously we have done so. What is even more interesting is the fact that we have a strong commercial mandate, with so much support from various entities, including the Victorian Farmers Federation (VFF), which the Leader of The Nationals was president of for some years.

The VFF has made it clear that the proposal we put forward for a \$200 million Agriculture Jobs and Infrastructure Fund is a positive potential outcome of the leasehold sale. I was pleased to see that the VFF said:

The Labor government has listened and delivered on our call for a fair share of the estimated \$5 billion in revenue from leasing the port to be reinvested in rural infrastructure ...

We're also expecting the government to announce a further commitment to upgrade and standardise the Mildura freight line and its feeders.

That is very much a commitment and a show of support for our endeavours to drive productivity. We are looking at improving the bridges around Lara and across major freight routes to get produce to the port quicker. That is why the VFF is supporting our endeavour to have a leasehold sale.

There was also substantial support from the Victorian Transport Association (VTA). CEO Peter Anderson indicated quite clearly that the Agriculture Jobs and Infrastructure Fund would be a positive outcome of the potential leasehold sale. He said at the time:

Premier Andrews, Treasurer Pallas and roads minister ... through this announcement show they are serious about improving access and safety for —

high-productivity freight vehicles —

... and that they understand there is a net community benefit to be had by investing in infrastructure that keeps the right trucks on the right roads.

That is on top of the commitment we have already made through our Stronger Country Bridges program and also the work I currently have VicRoads doing — undertaking assessments in relation to strengthening bridges across all our major freight routes to ensure that they can accommodate high-productivity freight vehicles. In many ways I am not surprised that the Victorian Transport Association supports that, but it went further and reiterated its support for the port of Melbourne lease legislation. It believes the terms and conditions of the lease legislation are pretty appropriate.

The last big V to support our endeavour out of the commercial entities in the community was the Victorian Employers Chamber of Commerce and Industry (VECCI), which was very welcome. It indicated to the coalition that it did not believe it was necessary to undertake a longwinded, *Kumbaya*-type inquiry whereby we suddenly find that there are fairies at the bottom of the garden. It believes that the terms and conditions put forward were exactly the same as those recommended in the report the previous government commissioned from KPMG.

The KPMG report quite clearly indicates that a decision to build a second port should be driven by demand; that is what our legislation proposes. It says the state should retain the unfettered right to develop a second port; again, our legislation does exactly that. It said that there was a certain level of capacity within the port and that that would need to be protected from the government coming in behind the sale and diminishing the value of

its own asset by setting up a competitor immediately, so there needed to be some protected growth. Again that is what the legislation puts forward.

The KPMG report recommends a 40 to 50-year lease; we went with a 50-year lease — not a 70-year lease, as some members on the other side have indicated. They have obviously not worked in the commercial property world and seem to think that an option of 20 years, exercised by the government, is a 70-year lease. That is a load of absolute drivel and rubbish. If those opposite had worked in the industry, they might have had some limited understanding, but their understanding is minimal, to put it mildly.

Also the KPMG report indicates that compensation mechanisms to achieve optimum lease proceeds provide investors with certainty. Again our legislation has that incorporated. You have to wonder about the former coalition government. It commissioned a report from KPMG. I am pretty sure it indicated the outline of what they wanted within that report. I would be very surprised if the former Minister for Ports, who is at the table, said, 'Just give me any type of report'; he would have said, 'Give me a report on how we can maximise the sale'. Guess what? That report recommended exactly what is in the legislation. You have to wonder why the opposition would want to question the advice it got in government — advice it sought itself — which absolutely replicates the legislation being put forward.

There is the idea that we have to wait for the second coming of Christ on 30 November. The Victorian public made it obvious that they threw the last lot out because for four years very little happened. It was standstill economics. Nothing much happened until the government signed a dodgy, rotten contract in the last 5 minutes of its term to suddenly pretend it was getting on with the job. The only job it undertook was to sign a rotten, dirty contract, which contained outrageous penalties, made illegal activity legal and then provided compensation to the bidders.

It was a disgraceful exercise of spending four years doing nothing and then suddenly going to panic stations and having the former Premier bang the table and talk about a congestion-busting exercise across the universe. There was nothing the east–west link was not going to solve, apart from cancer; that was about the only thing the former Premier did not suggest the east–west link could solve. He also indicated along the way that the north–south problems would be fixed by an east–west road. That is the most bizarre proposition I have ever heard.

The issue is that for four years nothing was done. The members of the coalition looked at selling the port, but they did not get that done. They got a report which very much replicated what is being put forward in this legislation, but they have now decided to play juvenile games. The opposition is not getting with the big Vs — the VTA, the VFF and VECCI, which are supporting this proposition. It is going to play games.

My attention was drawn to a media release from the former Treasurer. He talks about the advisers that were appointed, which are the advisers the government is using for the port sale. The release says:

The coalition government has appointed joint financial advisers Morgan Stanley and Flagstaff Partners to manage the transaction.

They are exactly the same advisers that this government has continued to use, so there is no great change in that. The release goes on to say:

'Today's announcement is an important step in securing the best value for Victorians through a medium-term lease of the port of Melbourne', Mr O'Brien said.

That is what we are putting forward — a medium-term lease, but obviously those words are not the words of someone who is being honest now, I suggest. The previous government members obviously did not believe in what they said at the time. The media release continues to quote the former Treasurer:

The proceeds from the lease of the port of Melbourne will support the delivery of the coalition government's record \$27 billion infrastructure program ...

The coalition never got around to doing that because obviously the public decided after four years of doing nothing that it was not going to do much more with another four years. The proceeds from this sale are going into the Victorian Transport Fund and will be used for infrastructure already identified. The Minister for Ports at the time said:

... a medium-term lease of the port of Melbourne supports the coalition's integrated ports strategy, which will meet the state's long-term container needs.

This is the one where we are going to build Hastings this year. We are going to turn a little bit of dirt over, and while we are trying to sell our main asset, we will be undermining our other assets with a second port. You do not need to have studied economics to understand that it is a pretty ridiculous and silly proposition to start a second container port when you do not need one. In other words you would just be spending government money for fun, to keep a couple of friends happy so that Bolte's dream is finally

realised. That is about all it was good for. At the end of the day I urge the coalition to support the proposition and not waste the time — —

The ACTING SPEAKER (Ms Ryall) — Order! The member's time has expired.

Mr R. SMITH (Warrandyte) — I join the debate on this matter of public importance. I thank the member for Werribee for bringing this matter to the house because it shows that there is a need for a discussion around this issue. There is a need for a debate; there is a need for these different points of view to come up and be put on the table. I think it is very sensible that this MPI was brought in. Some of the contributions from members opposite have not been as measured or balanced or without rhetoric and ranting, but there is certainly a need for us to talk about this. That is the main reason why we are pushing for an inquiry in the upper house. There are many questions that need to be answered through that committee inquiry.

It would be nice if we lived in a world where we could just accept what the Labor government put on the table. It would be nice if we could believe that what it said was going to happen actually was going to happen. It would be nice if we did not have a chequered history of the Labor Party mismanaging major contracts and putting burdens on future generations. It would be nice if our history was not one where the Labor Party did not continually flip-flop on its position when it comes to ports. We would then be able to accept what the Labor Party had to say and maybe get out of the way, like the Labor Party said we should.

I might just highlight that. The Leader of The Nationals mentioned this issue. It is not the role of the opposition or indeed of any party or individual in this Parliament, in either this house or the Legislative Council, to get out of the way. It is not the role of members of Parliament who are not members of the government to give a rubber stamp to everything the government wants. It is not the role of people in this Parliament to just roll over because the party that is in government, particularly one with a very chequered history, says they should get out of the way. It is not the role of the Deputy Premier to go down to sites and tell Victorians that the Liberal, Nationals and Greens parties should get out of the way and just let the government do whatever it wants.

This is probably the biggest decision that a government has made for many years in terms of future productivity and the economic future of this state, and it needs to be scrutinised. There are a number of issues that we need to raise. We need to get a number of submissions and a lot of input from Victorians, including those businesses,

farmers and exporters who will be affected by this decision. This decision should not be about getting a big lump of cash to fulfil a range of election commitments. I remember what this government, when in opposition, said to the Victorian people. It said, 'All our election commitments are fully costed and fully funded'. It did not stand up in front of the Victorian people and say, 'Oh, but if we don't do the port of Melbourne sale lease, none of this is going to happen'. It never said that at all. That is certainly not what the people in Victorian communities believed; they do not believe that for one moment.

While we, when in government, supported and now support in opposition, the sale of the port of Melbourne, we do not support it under the conditions that this government is going to put on it. We do not agree that there should be massive compensation payable if future port infrastructure is built.

We heard the Treasurer say in his contribution to the debate that no compensation will be payable. We heard him say that in his contribution, and we heard him say it in question time. Again, if only we could believe it. If only we could have believed the former gaming minister, now Premier, when he said no compensation would be payable when he broke up the gaming duopoly; if only we could have believed him. Now \$542 million has come out of the taxpayer's pocket, because he made a mistake. If only we could have believed him when he said no compensation would be payable when he tore up the east-west link contract. Now, \$640 million — and counting — has come out of the Victorian taxpayer's pocket. We cannot believe the Labor Party when it says no compensation is payable. It has cost this state over \$1.5 billion because we have listened to Labor say no compensation would be payable. That is why we need to subject this sale to scrutiny.

Mr Pallas interjected.

Mr R. SMITH — I hear the Treasurer, who was the former adviser to Steve Bracks, who made a solemn promise to the Victorian people when he said, 'No tolls on EastLink'. Of course when the election was won back then, we backflipped on that, did we not? We backflipped on that one. This Treasurer, when in opposition loudly proclaimed from the rooftops — certainly the rooftops in Geelong — that Bay West was the place to build a port. Bay West was going to be the place where jobs, jobs and more jobs were going to be brought. Bay West was going to be the place to kick off the Geelong economy; that is what this guy said. What did he say in November 2007? In a media release headlined, 'Hastings port upgrade brings economic

growth and jobs', the then Minister for Roads and Ports said:

Launching the port of Hastings economic impact study, Mr Pallas said ... an upgraded port would provide more than \$1 billion in local economic spin-offs.

He did not take this down to Geelong; I am almost positive. I stand corrected. Maybe he did show this to the Geelong people. Maybe he gave this to the *Geelong Advertiser* just before the election.

The Brumby government's forward planning for Victoria's commercial trading —

Ports are always included in the upgrade of the port of Hastings as a major container handling port.

The port of Melbourne is our premier container port, but the port of Hastings will eventually be needed to help Victoria deal with continuing trade growth ...

This is my favourite bit. Said the very forward thinking former Minister for Roads and Ports in 2007:

By 2015, when primary school aged — —

Mr Pallas interjected.

Mr R. SMITH — Oh, 2007! Don't bring up what I said before! Just bring up what I say now. That is the whole point, because at times you tend to stretch the truth.

By 2015 ...

Mr Pallas interjected.

Mr R. SMITH — You have had your turn. Tone it down.

By 2015, when primary school aged children from areas such as Casey, Cardinia — —

Mr Pallas interjected.

Mr R. SMITH — Do you know what? The Treasurer brings up what the youth unemployment rate is. Do you know what? My mistakes did not cost \$640 million of taxpayers money. The media release says:

By 2015, when primary school aged children from areas such as Casey, Cardinia and Mornington Peninsula are ready to enter the workforce, the port of Hastings will generate almost 2000 local jobs in Mornington Peninsula shire alone.

That is why we are having this inquiry. It is because those opposite cannot be trusted. What they say at one stage is different from what they say at another. First they said that the port of Hastings is the best place for Melbourne's second container port. The next iteration

was that Bay West is the best place for Victoria's second container port. Now they are in government it is a whole different story, and that is why we have to take this — —

Mr Pallas interjected.

Mr R. SMITH — There it is — typical Labor! He responds with personal insults. That is always the way.

The Australian Competition and Consumer Commission said very clearly that selling the port of Melbourne should be about productivity. It should be about making sure that the port runs to its optimum efficiency. But that is not what this lease is about for the government. It is not about making the port of Melbourne the most efficient port in Australia or beyond. It is about a big lump of cash so the government can fulfil its election commitments. That is the only reason. It is not to make it more productive, and that is a fact.

There is no way this is going to be anything other than a bad deal. The commercial sector that is interested in this lease knows the Premier is in probably the worst negotiating position he could possibly be. It knows he desperately needs the money, because if he does not do those level crossings, he is out. You do not want to go to the negotiating table, in any way shape or form, flagging how desperate you are for a deal. A desperate Premier who is desperate for funds is not going to get the best deal for Victoria, and that is why we need to hold this government to account. Every single line of the bill and every single question that is raised with regard to the contract needs to be addressed in as much detail as possible.

The Treasurer might say, 'We are not going to wait until November'. How can you send your Labor Party colleagues into the upper house to vote for an inquiry and say, 'Yeah, okay, we can see that some scrutiny is needed, but we are going to put a limit on the amount of scrutiny that is needed. We are going to make sure that we don't have enough time to actually talk to everyone who is affected, that all the issues aren't covered, so we will support a short inquiry to make sure that we can tick that off'? It is just ridiculous. The member for Werribee says to us, 'Get out of the way and support the infrastructure'.

Mr Pallas — 'The member for Werribee'?

Mr R. SMITH — I would have thought the member for Werribee would be proud to be the member for Werribee, but okay, I will call him the Treasurer. If he wants to disown his community, that is absolutely fine by me. The fact of the matter is that he

needs to understand that scrutiny is needed, because Victorians simply do not trust this government to keep its word.

Mr EDBROOKE (Frankston) — We have heard some funny stuff today, have we not? I would just like to ask one question: what kind of Liberal Party stands in the way of privatisation? For those who use Twitter, it is hashtag confused, hashtag double standard and hashtag not up with it.

I want to tell members about how this issue affects the people of Frankston. The people Frankston recognise that after four years of virtually nothing we are getting on with it, because for four long, dark years our Liberal colleagues forgot who Victorians were. They forgot what Victorians do and what we stand for. The Labor Party, the government, knows that Victorians are the paramedics and the fireys that look after us. Victorians are the teachers who make sure our kids get a good education and job. Victorians are the TAFE teachers and the tradies who keep us running, and they are the students as well. We know that. That is the crux of why leasing the port is a great idea. But do not take my word for it. It was the former Liberal government that wanted to do it. Now that someone has got on with it, when the Liberal government was incapable of closing the deal, just like so many other times, the now opposition has decided it is going to be against it.

Let me tell you what Frankston thinks. I have had people coming into my electorate office here, there and everywhere. When I am at the train station they are wondering why it is not happening. They want to know why the opposition is standing in the way. No-one is scared of having this go to a committee in the upper house. That is great. But we want to know why we cannot get rid of our Overton Road level crossing. Some people have emailed me and contacted me on Facebook to give me some quotes on the removal of that level crossing. One person says she avoids it like the bubonic plague. She says that there is nothing more frustrating than trying to do a right-hand turn to cross over, with constant trains interfering with traffic. So she goes the long way around — anything to avoid it. Another person says she stayed there for 10 minutes, up to a maximum 25 minutes, waiting to cross that level crossing. I have been there in a professional sense as a firefighter in response to quite a few collisions. When it is a car versus a train, no-one ever comes off well. We should all be capable of eliminating such accidents.

To me this is all just a stalling process. Many members opposite have been filibustering today about how bad it is to lease the port. Lots of people have been scaremongering. In reality it is not about that. We have

been told by experts that the ships that our Liberal opposition colleagues are telling us will come to the port of Hastings or the port of Melbourne are just a pipedream. These ships are attracted to markets, not ports. They are attracted to Rotterdam and Singapore. We are told that they will never be coming to Melbourne or Hastings. This is not me speaking or the Liberal Party people speaking. These are the experts. In fact one expert is quoted as saying:

To say those ships will visit Melbourne is like saying a rocket to the moon will take a detour via Tasmania.

Telling people that there is going to be blasting and that there is going to be compensation is total scaremongering. I would like to pick on something the member for Eildon said before, which demonstrates how good our Liberal opposition has become at standing in the way of things. She said:

The government has jumped on board with presumptive legislation.

I remember being in the public gallery last year when various members of the opposition, then in government, were filibustering on this subject. It is extremely disrespectful to firefighters for a member of the opposition to get up and say, 'You have just got on board', because by my count the coalition knocked that legislation back two or three times by filibustering. I saw it myself in the gallery. It was pathetic.

I would like to take this opportunity to congratulate Peter Marshall and Mick Tisbury for their hard work on it, and to thank our Liberal colleagues for jumping on board just before the election — we never trusted they would actually do it.

It is time for our Liberal colleagues to stop playing silly political games and to get on with the job. This legislation will help to create thousands of jobs, keep people safe, take care of level crossings and deliver vital support for our farmers. We heard the great announcement the other day of \$200 million for our farmers. That is more representation than the — what is its name again? The Nationals country alliance, or something? Changing its name does not change its stripes. Members opposite are running out of excuses. The leasing of the port will support regional Victoria, there is no doubt about that, and the deal between DP World and the port shows that rents will stay competitive. Again, the opposition is running out of excuses. On top of that, the Victorian Farmers Federation and Victorian Employers Chamber of Commerce and Industry are lining up to support the issue. Why is the opposition not on board? What is going on?

The lease of the port will fund our commitment to removing level crossings. After four years of nothing, this commitment is something the community is holding on to. We have a government that is promising and committing to something and then getting on with it and doing the work. We are standing by our word. Some people in Frankston have been told by their Liberal friends, and even by Liberal councillors, that the port of Hastings would be the silver bullet that would create employment on the Mornington Peninsula. Let me tell you what will help unemployment on the Mornington Peninsula. One thing that has certainly not helped unemployment was having four years without a jobs plan, or four years of record unemployment while cutting TAFE funding. That cost jobs. The port is years away, it cannot be a magic bullet, and an automated system for dealing with containers at a container port is not going to create very many jobs.

What actually creates jobs is training our youth and retraining people who have been retrenched for the jobs of the future, like jobs in technology and jobs in medicine, so that they can get into the workforce or get back into the workforce. That is what Victorians want to do. Victorians are a proud lot. We do not enjoy the fact that our unemployment rate is almost the highest in the country after the last four years. I am proud to say, though, that the Labor government has put the brakes on unemployment. Unemployment has fallen 0.5 per cent based on what I have read of the Australian Bureau of Statistics data. We are working towards continuing that trend.

It comes down to this: it is a bit of a cultural thing for our Liberal friends. One of the members at the table spoke about breaking promises and not being able to trust Labor. Is a Liberal politician seriously saying that? It is embarrassing. We have a Liberal Prime Minister Tony Abbott up in Canberra. What promise has he not broken? What is more, he has been sticking up for a politician who has been misusing her entitlements — and she has still not said sorry. This is part of a culture. I just want to know what the main issue is: is it the fact that we have been able to get on with it, or is there a legitimate problem with the port lease? Saying it is up for lease for 70 years because there is a 20 year option is misleading — an additional 20 years is only an option, and none of us will be around when that option comes up. It will be a decision for a future government to make, so that is barely an excuse. Members opposite telling the public that leasing the port is a bad thing after years of trying to do it themselves is just funny. It is humorous; it is a joke.

We need to lease the port to cater for Victoria's long-term needs. We need it to grow Victoria. We need it to keep our farmers strong. We need it to remove those dangerous level crossings, one of which is in Frankston. I fully support the port lease. I welcome any committee looking into it, and I am sure that the legislation will pass through the upper house in no time. Godspeed.

Mr HODGETT (Croydon) — I rise to speak on today's matter of public importance (MPI). This is an MPI written in desperation and panic by a government and Treasurer that cannot manage the port of Melbourne lease transaction. They have been running around desperately trying to line up the ducks to convince everyone involved that their management of the port of Melbourne lease transaction in the form they have put forward is a good thing. They have come up with a couple of stunts and announcements over the past few days to try to convince everyone that it is a good thing, but my contribution will highlight why we have concerns about the port lease, why we are supporting an upper house inquiry, and why this matter of public importance is an act of desperation.

If the government was focused on engaging with industry stakeholders and business groups, it would know of their concerns with its proposal and might seek to address some of those worries by listening to those groups. Instead it has spent the winter break having Michael Donovan stitch up a factional hit on former minister Adem Somyurek and then, in the last few weeks, protecting the Deputy Premier's job.

Let us compare what the government says with reality — hopefully this will reassure the member for Frankston on some of the points he raised in his contribution. Before the election the now Premier said he had fully costed and fully funded the removal of 50 level crossings. Now in government, the Labor Party has realised it needs to raise money to keep its promise, so the project will be funded by the port of Melbourne lease. That is different to what it said before the election. The government says that we oppose the port lease, but that could not be further from the truth. We in fact support the lease of the port of Melbourne, and we are on the record as saying that we support the lease of the port of Melbourne. However, we reserve and respect our right as the opposition to scrutinise bills. Labor says, 'Trust us', but we say that we are not going to wave this legislation through without appropriate scrutiny. We reserve our right to do that.

We had a debate here in the Legislative Assembly and we reserve the right to have a similar debate in the upper house and move it off to an inquiry there. Labor

members say, 'Trust us'. They said the same thing with the lottery licence sale, the same thing with myki, the same thing with smart meters and the same thing with desalination — and the list goes on. They say, 'Trust us; just let us put this bill through and we will manage the lease of the port of Melbourne'. No, Deputy Speaker, we are not going to trust Labor. We have been shown by the lottery licence sale, by myki, by the desalination plant and by smart meters that you cannot trust Labor to manage these things. We will apply the appropriate scrutiny to get a better outcome for Victoria and the Victorian economy.

The government says, 'Get out of the way'. The Premier this week has been saying, 'Get out of the way. We don't want scrutiny. We don't want an inquiry into this matter. Just wave the legislation through'. Now government members tell us that they are going to support an upper house inquiry. As we speak here that motion is being debated in the upper house and has the support of government members. In good faith we passed over a copy of our draft terms of reference and the timetable for that upper house inquiry to the government to outline what we wanted to do, what the terms of reference would be and what we considered a reasonable time frame within which to report back, 30 November this year. Government members say that they will support the inquiry, but of course they want to rush it through. They want to perform such an inquiry in the next six to seven weeks, depending on how quickly it could be set up.

It is interesting to note that the Leader of the House this morning moved a motion in this place to refer an inquiry to the Standing Orders Committee, asking its members to have a look at a number of things. The government asked for that committee to produce an interim report by 8 December and a final report by 30 June. So when considering a multibillion-dollar port of Melbourne transaction lease — the biggest asset sale in 25 years and an important one to get right for Victoria and the Victorian economy — government members wanted us to hoodwink everyone and go into a quick six or seven-week review.

However, to look at standing orders and the operation of the house — in other words Labor wants a lunchbreak; they want to give us back our lunch — is going to take until 30 June 2016. It is an absolute joke that they will try to push through a review of the port of Melbourne lease transaction in six weeks, but to get their lunchbreak back they want to take until 30 June next year.

The government has made a number of statements. The Minister for Ports has said that this is a ludicrous

inquiry, yet government members are debating next door to support that and push it through and have scrutiny of the bill. Government members say that the Victorian Employers Chamber of Commerce and Industry (VECCI) is on board — and they go out and announce that. Like us, VECCI says that it supports a lease of the port of Melbourne, but it also supports an upper house inquiry. I do not know how government members have interpreted that to mean that opposition members are blocking the lease of the port of Melbourne so that Labor cannot get on with its job of level crossing removal.

The government has said that the Victorian Farmers Federation (VFF) is on board, but as we saw in question time today, government members had a Sunday media opportunity to go out and launch the \$200 million Agriculture Infrastructure and Jobs Fund, which was stated to be money for farmers in rural and regional Victoria, and of course as soon as the VFF thought that might be a good thing, the government thought it had locked in the VFF. Then the government thought it would be a good idea to go out and reannounce that. The government reannounced it and gave the money, promising road freight upgrades from Geelong to the port of Melbourne. The government promised money to farmers on Sunday and then of course gave it to metropolitan Melbourne on Monday.

The Minister for Ports, who has no idea of what day of the week it is, says, 'Oh well! This is a wideranging fund'. In other words he is trying to convince people that that \$200 million can do both. He says, 'It can be money for farmers, but let us siphon some of it off, or the majority off, to promise Geelong to port of Melbourne road freight upgrades'.

The government says that DP World is on board. DP World is not on board; it has settled the rent dispute. Again the Minister for Roads and Road Safety and Minister for Ports put his head in the sand and said that a 700 per cent increase did not exist, going from \$16 per square metre to \$120 per square metre. That rent dispute has been settled thanks largely to our hard work when we lobbied and advocated for the government to get involved and to settle that rent dispute. For the government to take licence and say DP World is on board is not correct; it is purely that the rent dispute has been settled. Like a number of other industry players, DP World has grave concerns with this proposal put forward by Labor. An inquiry should use proper scrutiny. It should come back by 30 November so that the legislation can be passed, amended, debated or negotiated with the government to achieve a better outcome for the state of Victoria, and that is what we are seeking to do.

The Treasurer's op-ed. in the *Herald Sun* of 1 July states:

Blasting at the Heads had not occurred for more than 80 years.

This is the same person who is asking us to trust his government with the lease transaction to sell the port of Melbourne. But of course we know that what the current Treasurer says is not true. Official reports about the blasting of Port Phillip Heads have stated:

Previous dredging campaigns in the Entrance have used explosives to loosen rock, with the methodology evolving from dropping charges overboard to diving and placing charges to significantly improve the efficiency of rock removal. Blasting was last used in 1986.

The source of that is the Port of Melbourne Corporation report entitled *Port Capacity Project — Marine Environmental Risk Report*.

A 2007 Environment Effects Act 1978 assessment statement by a former planning minister, Justin Madden, states:

... blasting between 1901 and 1986 itself modified the area within the Great Ship Channel.

And a supplementary environment effects statement states:

... uncertainty regarding the ability to dredge at the Entrance, given material had only been removed via blasting up until 1986.

You cannot trust Labor, and you cannot trust the Andrews government on this port lease transaction. Government members are going to continue to try to convince everyone that this is just a deliberate tactic to stall them with the work that they want to get on and do. It is not that. We have put forward a proposal for an inquiry with reasonable terms of reference and a reasonable report back time — a report back time far sooner than proposed by government members in relation to getting their lunchbreaks back. There are industry, business and stakeholders out there with legitimate concerns such as the lease term monopoly and number of other concerns. We think that the government should be open and transparent and allow that to be scrutinised in the interests of getting a better deal for Victoria and the Victorian people with the sale of the port of Melbourne.

Mr HOWARD (Buninyong) — Is it not amazing when you have listened to the members of the opposition who have spoken on this matter of public importance that they cannot deal with the issue in a factual manner and cannot explain why they would need until 30 November to review something that was

made as a promise ahead of the last election by the government that was elected. Opposition members do not understand the concept of mandate at all. They simply have not responded in any way to the substantive issues in this matter of public importance. Let me take them back a little bit. It is not as though this issue of the lease of the port of Melbourne was something that the Labor Party came up with as a sudden idea ahead of the last election. In fact it is three years ago that Labor came out with the first jobs policy that the people of Victoria had seen for some time, well ahead of the election.

Despite seeing so many jobs being lost across Victoria after the Baillieu government came to office and despite us saying, 'We need you as the government to come up with a jobs policy', nothing happened. We heard about the four pillows, or something like that which the now shadow Treasurer used to talk about. People who were in the house at the time will know about his four pillows. He said, 'We just need to get on and make the economy better and it's all going to work and we don't need a jobs policy'. As it worked out, the pillows were way too soft for that government. Nothing happened, and we saw jobs disappearing month after month.

In opposition Labor did develop a jobs policy, and in 2012 — three years ago — we came out with the Labor jobs policy to try to show some leadership to the people of Victoria. A key part of that jobs policy was to say that we need to develop our infrastructure in ways that the people of Victoria want. They recognise that in terms of road congestion the key issue that the people of Victoria wanted addressed was the removal of these many level crossings across the Melbourne metropolitan area to ensure that traffic could flow better. At the same time we decided that to fund this policy we would lease the port of Melbourne. As I said, this policy was clearly enunciated by the Labor Party in 2012.

Some years later, just ahead of the election, those opposite decided that the government had better show some action on some policy in relation to jobs and so on. They then said, 'We think it would be a good idea to lease the port of Melbourne'. They agreed with the concept. They only differed on the number of years it should be leased for. They said, 'We would not want to lease it for 50 years — maybe 25 years or something'. Either way, the people of Victoria can be in no doubt that when the Labor Party stood before them at the last election it had a very clear policy in relation to the lease of the port of Melbourne.

The people elected a Labor government over that very disappointing excuse for a coalition government that they had experienced in the previous four years. They supported a Labor government under Daniel Andrews. What we have done since day one is try to get on with governing and delivering our policies that we put forward, and in so many areas we have been able to deliver.

The removal of those level crossings will benefit the people of Melbourne in particular, and it will also clearly benefit people from regional Victoria who still have to travel to, through and across Melbourne. They need to travel across Melbourne for a range of business purposes, and they will clearly benefit from the level crossing removal project. It is what they have asked for. We have been getting the planning for the removal of these level crossings underway, but when we try to put through the bill about the lease of the port of Melbourne, what do we get from the so-called opposition? We get obfuscation. There is a sudden view that we need to review this policy.

The coalition has got into bed with the Greens in the upper house, and together they have said, 'We need to have a look at this'. I see the member for Morwell, a member of The Nationals, cringing at the thought of getting into bed with the Greens, but that is what they have done. The Liberals, The Nationals, and the Greens have said, 'We need to review this matter, and that will take until November 30'. That would be one whole year of this government pretty much gone before we would be able to do anything in relation to moving on with the lease of the port of Melbourne. That means the money could not possibly flow to all those things that the people of Victoria identified as being important.

The funds generated from the lease of the port of Melbourne will not just go towards supporting the removal of the 50 level crossings but will also go towards the Melbourne Metro rail project and the West Gate distributor. The people in my area, the farmers and the many other businesspeople of the west, see the opportunity to travel more quickly into the port of Melbourne as being vitally important. Getting their product onto the ships and off to the overseas markets they are developing will be of great benefit.

The lease of the port of Melbourne will bring great benefits to regional Victoria, but there was a further announcement on the weekend when the Premier met with Victorian Farmers Federation (VFF) president, Peter Tuohey, to announce that a further \$200 million will be specifically designated to the Agriculture Infrastructure and Jobs Fund. This was very well received by the VFF. The VFF was pleased to hear that

that funding will be particularly focused on farmers and on agricultural products being able to get to the market. This will ensure that our productivity can be supported and increased, and as a state we know that that is exactly what we need to do. Our food and fibre industry, our agricultural produce, is important to the economic wellbeing of this state. Clearly the Andrews Labor government wants to further support it by identifying that specific amount of \$200 million to go towards this fund.

On Monday I was pleased to join the Minister for Agriculture in our western region on the farm of Mr Lyle Powell in Windermere. Again we announced the \$200 million Agriculture Infrastructure and Jobs Fund, and Mr Powell, like so many others, noted the great benefit it would provide in helping to improve productivity. We can identify a whole range of construction projects to improve our productivity. We can identify a whole range of infrastructure and jobs projects that will help to give our people skills and improve the opportunities for getting our products to market at a high standard.

We know that the lease of the port of Melbourne will provide clear benefits not only to the people of the Melbourne area but also more broadly to the people of regional Victoria. As the member for Buninyong, I am always keen to ensure that the people of my electorate get their fair share and do not lose out. The lease of the port of Melbourne is going to be important to the people of Victoria and to the people of Buninyong in enabling their projects to get the go-ahead they need.

I strongly urge, as does the matter of public importance before this house, the opposition to recognise that this is what the people of Victoria want and this is what the people of Victoria need. They do not want this delayed for another three months or so. They want to see the government being able to deliver on the policies it brought to the people ahead of the last election. They do not want to see game playing.

I note that Fiona Patten, a member for Northern Metropolitan Region in the upper house, has said that she sees holding this matter up as clearly, in her words, political party game playing. She has seen that the Greens, The Nationals and the Liberals have got together to simply try to delay this and to play their political games. They are not acting in the interests of the people of Victoria. They do not understand the issue of mandate and the fact that the government needs to get on with it, as the Andrews Labor government is so keen to do.

I am pleased to support the lease going ahead along with the addition of the \$200 million Agriculture Infrastructure and Jobs Fund. I look forward to the lease going ahead and the funding being able to flow to the people of Victoria. These are important projects. Whether it be the level crossing removals, the link into the port of Melbourne or so many other projects, I want to see them going ahead and delivered for the benefit of the people of Buninyong and, more broadly, the people of Victoria.

Mr BLACKWOOD (Narracan) — I am very pleased to be given the opportunity of making a contribution to the debate on the matter of public importance (MPI) today. It is interesting to hear the contributions of government members, and we can expect only the type of comments we have heard from them, given their inability to understand the issues involved with the bill that is behind the MPI, and it is that piece of legislation that the opposition is concerned with. We have always been in favour of the lease of the port of Melbourne, as everybody understands, but it is the legislation that underpins the way that lease will be structured that we have real concerns about.

The length of the lease and the no-competition compensation clauses are of particular concern, as they impact on any future development of a second container port. It has been well publicised that the port of Melbourne will be at capacity by at least 2031 and probably even earlier, and it was for that reason that, when in government, we put much planning into the development of a second container port. The opposition would be letting Victorians down if we did not scrutinise the Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Bill 2015. We would be letting them down if we did not look at the options available for a second container port and ensure that the government gave due consideration to those options.

It is also very important that we respect the standing of the port in terms of the economy of Victoria, and because of the way the legislation is structured, certain clauses indicate that the government has lost sight of what is important for Victoria. The government is clearly focused on its pre-election commitment to the 50 level crossing grade separations, which we support in principle — that is a good thing for Victoria — but it should not be done at the expense of what is a vital and important piece of infrastructure. It is the biggest asset still in public hands, and level crossing removals should not be carried out at the expense of that important asset to the Victorian economy.

When in government we outlined our vision, and we maintained that vision. Part of it is about ensuring that

Victorians can afford a reasonable living and enjoy a clean and healthy environment. By doing better as a state we can deliver and advance our interests in the name of progress to benefit all. That is the secret. The way the Liberal-Nationals coalition acts in government and in opposition is to ensure that all Victoria benefits from any action that we take on behalf of Victorians. These beliefs are under threat with Labor's management of the ports in Victoria, and its proposal for the lease of the port of Melbourne. Labor went to the 2014 state election committing to the construction of a second port, which was known as the Bay West option. Labor's option was a poor alternative to the coalition's Western Port option, which is a naturally deep seaport.

The Bay West option would have required the blasting of the rocky Port Phillip Heads at the entry to the bay, causing damage to the many marine parks and worsening erosion of Victoria's most popular beaches due to increased water volume and wave activity. That is one of the main reasons the bill needs to be scrutinised. We cannot sacrifice our environment and what we currently have in our bay just because Labor has a bent view about what is important to it, rather than what is important to Victoria. Labor's Bay West option now appears to be off the table altogether, as we all know, and not through mindful reconsideration of the values I just outlined but rather because the purchasers of the port of Melbourne will want a monopoly on our port to increase the potential earnings from the deal. It is about Labor getting as much as it can in terms of dollars from the port of Melbourne lease to make sure it has the ability to deliver its 50 level crossing removals.

This is a bad deal for Victoria. A monopoly control over our ports is anticompetitive and will result in higher importing and exporting prices associated with docking at the port. Furthermore, it is antiprogress and fails to act on the need to build a second port to handle the increased demand for products in line with projected population growth. There are 100 000 people a year moving to Victoria, and that population growth will continue. On ports, the Andrews government is anti-environment, anticompetitive, antiprogress, antiregions and antiVictorian. It is a bad deal for Victoria proposed by a dysfunctional Labor government that was not and is still not ready to govern.

Labor's motivation for rushing the deal through is that it is counting on a \$7 billion sale price for the port to fund its grab bag of election commitments, which failed to deliver any coherent vision for our great state. The \$200 million that Premier Andrews committed to

agriculture infrastructure and jobs on 2 August relies on the port sale, but a closer examination reveals the investment represents just 3 per cent of the expected windfall for the state. This is a bad deal for regional Victoria. The \$200 million will not replace the Regional Growth Fund that the coalition had in place over the four years it was in government. An amount of \$500 million from the Regional Growth Fund was all spent to benefit regional Victoria on projects that improved the living standards of regional Victorians. The \$200 million will also not replace the \$160 million Country Roads and Bridges Fund, which assisted the 40 smallest local government areas in the state.

It was astounding to hear the Minister for Roads and Road Safety during question time suggest that the roads and bridges fund had no connection to productivity. I could not believe what I was hearing; surely he must understand that improving roads and the capacity of bridges will improve the productivity of the regions.

The \$200 million will also not replace the \$160 million transport solutions fund that the coalition government had in place over the four years it was in government. The fund was clearly aimed at removing impediments to productivity in regional Victoria. Road and bridge projects improve productivity and the means by which we get product to market and to port. Therefore the coalition stands with conviction to contest the government's deal because the Andrews government is about to undercut our economic rights as individuals and businesses in a one-off grab for cash.

Labor members have a history of condemning the coalition for using past privatisation to pay for debts accrued under its leadership, but now they are singing its virtues, showing just how threadbare their policy convictions truly are. One good example is the botched sale of the poker machine licensing system, costing Victorians at least \$3 billion. It was a crazy system that resulted, for example, in country venues paying the same figure for a poker machine licence as Melbourne venues, which are 10 times bigger. It was just ridiculous.

Other examples are myki, where \$1 billion was wasted, and the desalination plant, where \$23 billion was wasted. The north-south pipeline will never be used, and \$1 billion was wasted on that project. In the case of the east-west link, no compensation will be paid — so how can we believe them when they talk about compensation for the port when \$1 billion has gone up in smoke? It is of concern to the opposition that Labor does not mean what it says. It tells us that the east-west link contract was not worth the paper it was written on and that no compensation would be payable, yet it cost

us \$1 billion. How can we trust Labor to manage the sale of the port?

I want to outline how important the port of Hastings was to the group of South East Melbourne Councils. The member for Frankston is obviously at odds with the Frankston City Council, but the port of Hastings was very important to the South East Melbourne Councils and still is. It is outlined in a document that has been presented to us entitled *Overview of Regional Priorities*. That group claimed that the port of Hastings is expected to generate \$1 billion a year in gross regional product by the mid-2030s. If what it is saying is correct, then we need to ensure that we are able to develop a second port as well as enter into a lease with the port of Melbourne. History tells us that Labor cannot manage money and major projects, so why would we trust Labor with the port of Melbourne lease?

Mr McGUIRE (Broadmeadows) — The Liberals have a policy crisis, The Nationals — or is it the Country Party? — have an identity crisis and the coalition has a credibility crisis. In its first winter of discontent the coalition is already manufacturing dissent. That is what we have come to already; that is what the coalition is doing. That is what it is: it is all about politics. The coalition, which supported the lease of the port of Melbourne, is now trying to subvert it. The coalition is trying to make itself relevant in some way because it has learnt that life is short and government is shorter. That is what the realisation is now. The coalition is going through a backlash of relevance deprivation and it is trying, in some way, to get into the debate on what is actually happening. That is the political reality underscoring the Liberal Party machinations.

Then there are The Nationals — or is it the Country Party? Is it the National Country Party? It has lost its party status and now it is reverting. It is trying to say it wants to put the country back.

Mr Katos — Deputy Speaker, I draw your attention to the state of the house.

Quorum formed.

Mr McGUIRE — I note for the record that when the inconvenient truth was being spelt out, opposition members went for a quorum and tried to silence me. That is what happened. We have just seen that and it says it all. It is all about tactics and gaming. It is certainly not in the public interest. The opposition does not want to listen to these issues or see what is going on.

I will give members a reference for The Nationals — or is it the Country Party? More than three decades ago I wrote an article on its then leader, Peter Ross-Edwards, titled ‘The third man’. The article explained how one of his main aims was to make his party credible, and therefore electable, by broadening its identity beyond the metropolitan media perpetuating the country cousins syndrome. He bemoaned that cartoonists continually lampooned country politicians by depicting them with a straw stuck in the corner of their mouths. That is what Peter Ross-Edwards said about the proposition. What has happened now? In the shallows and miseries of opposition, we now find that members of The Nationals want to be a little bit country and a little bit national. That has left them straddling the barbed wire fence of politics, as the party’s former Queensland premier and all-time hero, Sir Joh Bjelke-Petersen, used to call it. Do not get stuck there because we all know where that ends up. It ends up in misery. That is where that party is, and these are the issues that are at play.

This matter of public importance debate today has bought these things to a head. The Nationals have an identity crisis and the Liberal Party has a credibility crisis, and they are trying to manoeuvre between two things. It comes to a head with The Nationals — or the Country Party — when we look at how it has responded to the Victorian Farmers Federation. The federation is very happy with the Labor government’s view that a \$200 million Agriculture Infrastructure and Jobs Fund should be established, using revenue to help in those areas. The Victorian Farmers Federation president, Peter Tuohey, said:

The Labor government has listened and delivered on our call for a fair share of the estimated \$5 billion in revenue from leasing the port to be re-invested in rural infrastructure ...

But what happened in Parliament? The Leader of The Nationals — or is it the Country Party? — talked about the ‘30 pieces of silver’. The Victorian Farmers Federation is the peak body if he wants to be connected back to the country, which he says the name changes are supposed to be about, but he is effectively calling it Judas. There was an echo that I picked up yesterday in the debate, because the member for Gippsland South used the same analogy. The man who replaced the former Leader of The Nationals in that seat actually said the same thing and used the same phrase about 30 pieces of silver. That is the direction the politics of the opposition is heading in. I also picked up the proposition put forward by the member for Macedon that this theirs view of country people. You cannot be a little bit country and a little bit national. You have to

actually say where you stand because straddling that barbed wire fence politically is dangerous — —

Mr Dimopoulos interjected.

Mr McGUIRE — And it hurts. It more than hurts! As the Parliamentary Secretary for Medical Research, I can tell members it is going to more than hurt, so let us just put that on the record.

We have had this manufactured dissent and debate brought into the house today. The Treasurer has explained the issues about compensation and the manufactured propositions that have been put up. He has explained in the house what would happen if there is demand for another port. The private sector can come in at any time and have another port, but contractually the proposition will be covered off so that, according to the Treasurer, there will not be any need for compensation. What are we looking at in this matter of public importance? It is just a blocking mechanism really, because what is it that the Victorian people like? They like the fact that the Victorian government, the Andrews Labor government, is getting on and doing what it said it would. The contrast with the Abbott federal government could not be starker. The Abbott government made its promises and then walked away from its commitments; it walked away from the propositions it put forward before the election as soon as it got into power.

Victorians see that here is a policy commitment by the Victorian government that will create jobs, drive economic activity, increase productivity and improve safety. It will allow members of families to get home from work in a better way to have time with their loved ones.

The Labor government fixing up things is a historical issue. Back in the susso days, there were major national projects. In New South Wales they took out the railway crossings, and in Victoria we built the Great Ocean Road. They were two major projects. Given the congestion that has come with population growth, this is the time for the Labor government to act. Labor governments are always the builders. They come in, set up the state and get things done. That is what is going on here. All the big foundational building blocks are being delivered by Labor.

The opposition is about working out how it can frustrate or stymie it. Opposition members are saying, ‘Let’s come up with some shifty mechanism’. That is where opposition members stand now: members of the Liberal Party are in policy crisis and members of The Nationals have an identity crisis. I say good luck with

the back-to-the-future strategy. The Nationals are fighting with the Victorian Farmers Federation. They say they have taken the 30 pieces of silver. That will go down really well with country people!

Here is a government policy that will create jobs and be good for everybody throughout the state. That is a ripple effect of the policy that is being put forward. We even had a claim from the member for Narracan that Labor is antiprogress. The reality is that that is antediluvian. The matter of public importance defines starkly which party wants to get on with economic activity, growth, jobs and safety. The policy is clear and it is there and the people have made their decision and voted on it.

INFRASTRUCTURE VICTORIA BILL 2015

Second reading

Debate resumed.

Ms RYALL (Ringwood) — As I said, with Labor the devil is always in the detail. I note that infrastructure is not defined in the Infrastructure Victoria Bill. Members would expect that given that the bill is about something as important as the body planning and providing advice on infrastructure, the word infrastructure would be defined. When we look at Labor's history and see that Labor members thought that major projects included things such as the renovation of the parliamentary kitchens, we know that we cannot trust them when they do not know and understand what things mean — and they do not define them.

The opposition has considerable concerns about this bill. I note that government members in this house are arcing up and carrying on about having some scrutiny in relation to this piece of legislation although Labor members in the other house have agreed to it. We have Arthur and Martha, or one hand not knowing what the other hand is doing. One of the concerns about this legislation is that three department secretaries will be board members of Infrastructure Victoria on an ex officio basis. The jobs of the heads of departments are to implement government policy. Prior to and since the election Labor members have said that the board of Infrastructure Victoria will be independent. Hardworking department secretaries, whose boss they report to is the minister and whose job is to implement government policy, are hardly going to make recommendations that might be contrary to the policy of the government minister to whom they report — or at least it will be very difficult and uncomfortable for them to do so.

On the subject of east–west link, the concern is about what would happen if the board said that the east–west link is needed. Is that likely to happen. Recently Infrastructure Australia handed down an audit report that identified the eastern area that east–west link would service as the greatest draw on economic productivity in the state of Victoria.

Mr Staikos interjected.

Ms RYALL — I suggest that the member for Bentleigh read the Infrastructure Australia audit report. He might gain some understanding of the importance of economic productivity for the state of Victoria. He is too busy using government resources for his own political purpose. Let's get real.

It is clear that there are no specific experience requirements for the remaining members of the board. People would expect that in setting up the board of Infrastructure Victoria there would be requirements for the people involved to have international business experience and project management experience, but there are not those requirements for board members. I note that the recommendations for appointment of the remainder of board members will come from the minister to the Governor in Council.

As with all things, it is not about what Labor Party members say but about what they do. When they say that something will be independent, you have to look at what they actually do. They have not built safeguards into the bill to make sure that independence is there. What if the independent board suggested that the Melbourne rail link together with the airport rail link, not Metro, was the best option? It is one thing to take the proposal to establish Infrastructure Victoria to the election but it is another to put out a whole lot of commitments to infrastructure projects that are not going through the process of determining whether they are in fact the right projects, whether they are the right way to do things or whether that is the correct order in which to do them.

I noticed that in her contribution to the debate on the matter of public importance the Minister for Public Transport criticised the Leader of the Opposition for stating that he would take infrastructure proposals to Infrastructure Victoria. On the one hand Labor wants to set up Infrastructure Victoria and on the other hand its members criticise the Leader of the Opposition for wanting to take infrastructure proposals to that body. Government members cannot have it both ways. Unfortunately we have a government whose members cannot be trusted. They will say anything to get elected, and then they change their focus and ideas afterwards.

Another concern is about the confidential advice that can be given to the minister. Confidential decision-making can be undertaken by the board and decisions can be provided to the minister without anybody else knowing about them — that is, without them being published. One of the big concerns here is: what is there to say that Labor would not be able to use Infrastructure Victoria as its parliamentary budget office for secret information and advice on developing policies that government members might take to the election? Nobody else could see it or have access to it. What would there be to stop that happening? What would stop that advice not being available, and why would it not be available to others? When Victorians want transparency, we have members of a Labor government saying, ‘No, no’ because of confidentiality. They are hiding under the cloak of confidentiality. They have said one thing before the election and are doing another after it. If that is not hypocritical, I do not know what is.

It is interesting to note that when many members on the other side of the chamber have talked, or tried to talk, about this bill, they have either avoided the bill completely or have avoided the fact that they have not built transparency into this process.

I will now speak on the short memories of those opposite. Look at the waste of the desalination plant: \$1.8 million a day. I note the member for Essendon made reference to the fact there were no public funds involved in relation to desalination. I draw his attention to an article published in the *Age* of 6 November 2014, in which the charges of \$254.34 million in operational water service revenue during the 2014 financial year are discussed. Operational water service revenue was built into the desalination contract. If they are not public funds, I do not know what are. Year in, year out, we are paying these fees not to take a drop of water — just for simply having the thing exist. That is on top of the massive increases to water bills that those opposite have caused. Myki has seen a \$50 million blowout seven years later. The pokies auction — —

Mr Staikos — On a point of order, Acting Speaker, the member for Ringwood is straying well beyond the scope of the bill and should be brought back to the bill. Decisions made two governments ago have nothing to do with Infrastructure Victoria.

The ACTING SPEAKER (Ms Kilkenny) — Order! I draw the member back to the bill.

Ms RYALL — What I am doing is responding to the contributions those opposite have made at times. When we add up the billions and billions of dollars

wasted, and we look at those who want to now take the high moral ground and say they are the font of all knowledge, due diligence and good practice, we know they cannot be trusted.

Ms COUZENS (Geelong) — I rise to contribute to the debate on the Infrastructure Victoria Bill 2015. I heard the member for Ringwood talking about secrecy, unaccountability and all of those things. I think that is what we experienced under the previous government for four years.

Mr Carroll — It is good it was only four years!

Ms COUZENS — Yes, that is right. The Andrews government is delivering on its election commitment, and I am really proud to stand here and speak on this bill. The bill is about creating infrastructure in Victoria. It is important that Victoria has long-term infrastructure priorities, regardless of who is in government. Regional Victoria is growing — we know that — and we need to meet this demand. The people of Geelong will welcome this infrastructure, because of the huge growth that we are experiencing, not just in Geelong but in the surrounding areas as well.

We have people moving into the area. We have projects like the Geelong Performing Arts Centre and Geelong Football Club’s Simonds Stadium. These are big infrastructure projects that we made commitments to during the last election. However, a lot more is required. If we are going to have another 100 000 people living in Geelong by 2030, we need to have these big infrastructure projects. Infrastructure Victoria will provide the opportunity for communities like Geelong, as well as other regional and rural communities, to look at what infrastructure projects they need. That will be done in a fair and equitable way.

The core functions will be the strategic planning that will require a 30-year strategy. The 30-year strategy is a fantastic thing for Victoria. What we have seen in the past are ad hoc political decisions that have not necessarily benefited the people of Victoria. We need to focus on making sure that whatever infrastructure projects are committed to they are things that are actually needed in Victoria. They will create jobs for our local communities, as we have heard today. There are lots of opportunities that will arise from this bill.

In addition, Infrastructure Victoria will conduct and publish research and information, and it will support departments and agencies in the development of structural infrastructure plans. Infrastructure Victoria will grow our economy and create jobs. Regional cities

such as Geelong need this. As I have said, we have two major infrastructure projects that have been committed to this year — the Geelong Performing Arts Centre and Simonds Stadium. They will create a couple of hundred jobs in construction and ongoing jobs once they are open. The Simonds Stadium upgrade includes a state-of-the-art rehabilitation centre. This is a good thing for Geelong, and we want to be able to see those sorts of commitments in the future. All of this leads to jobs, and for Geelong jobs are important, as we have heard in this place many times.

The long-term planning is a positive initiative. We need to stop sticking band-aids on things. We need to start looking at constructive approaches, and having none of these ad hoc politically based announcements like the previous government's east-west link project, which was bad for Victoria. We have a great opportunity to create vision for our infrastructure needs of the future.

As I have said, Geelong's growth forecasts suggest we are going to be growing by about 38 per cent over the next 20 years. I think it is important for communities like Geelong to have this commitment to infrastructure in Victoria. I have also heard many times from constituents and businesses about the need for long-term vision, and Infrastructure Victoria will provide just that. The long-term vision is about identifying what infrastructure requirements we have in our communities. I am sure that every member, particularly on this side of the house, will be looking at what the long-term needs are for their own communities.

Infrastructure Victoria will put evidence and transparency front and centre of the infrastructure debate. It will consult widely and consider the needs of the whole state, not just metropolitan Melbourne, which is, as I have said, important to regional and rural Victoria. It will prioritise the projects that deliver results and drive new jobs. Most importantly, it will help governments plan our future and make better decisions. Infrastructure Victoria will have the power to look at the whole range of infrastructure needs, like roads, schools, hospitals, water and community and cultural facilities, and this is a real positive for regional cities like Geelong. As I have said, we are growing region. We have 50 000 people moving into the Armstrong Creek area alone, and then we have a number of other major housing developments in different pockets of the Geelong electorate.

We need to have that infrastructure. Where will that come from if we do not have a commitment? We need to cover not just four or eight years. This is a 30-year plan that will look at our development and what we

need to happen in infrastructure over that period. We can identify our schools, roads, hospitals, water and community and cultural facilities over that period based on our population growth. Where the growth is quite excessive, which is happening in Geelong, we can start to target what infrastructure projects we need. Clearly we need a hospital, and the Labor government has committed to a community hospital in the seat of Lara. I am sure the member for Lara is very happy about that. That is about being forward thinking and looking at where the infrastructure is going to be required. There will be further consideration of having another hospital in Geelong. The Epworth private hospital will be opening, but we need to see more happening in terms of our public hospital facilities.

We also need to look at our ageing infrastructure in Geelong, such as the pipe works and the facilities around our schools and hospitals. All of those things have been identified in Geelong by G21, which has outlined where those requirements are.

An honourable member — It does good work.

Ms COUZENS — Yes, G21 does do a lot of good work, and I am sure it will be actively working with the Andrews Labor government to ensure that we are addressing the infrastructure needs that it and the local community can see as major considerations for the future.

Infrastructure Victoria will also be required to look at the economic, social and environmental impacts of every project it considers and in every function it undertakes. Again, that is important for our regional and rural communities. Infrastructure Victoria will give the community and the private sector greater certainty about our infrastructure needs and the Andrews Labor government's strong plan to meet them. We have a very strong commitment and a 30-year infrastructure plan. We have committed \$40 million over four years to establish the fund and \$10 million over four years to establish Projects Victoria.

We have heard lots of criticism from the other side about our Infrastructure Victoria Bill, but it is ad hoc projects like the east-west link that concern our community. That is why the Andrews Labor government was elected last year. The previous government was concerned to sign Victorians up to a dud east-west link project, a project that no Victorian ever voted for and which even Infrastructure Australia said was not a priority. We need to shift away from those political announcements. We know that during the election period those on the other side were keen to make all sorts of promises. They made lots of promises

but actually did nothing in the four years they were in power.

The east–west link project would have cost \$10.7 billion and lost 55 cents for every wasted dollar of investment. The east–west link was a disaster from start to finish, and it took the election of a Labor government to stop it going ahead. It was such a financial disaster that the Liberals were secretly planning to toll every freeway in Melbourne just to cover their \$2.1 billion black hole. It would actually have made traffic worse and increased congestion on the Eastern Freeway, Tullamarine Freeway and Hoddle Street. The only reason Victorians know the truth about this project is because the Andrews Labor government fulfilled its election commitment. It is very clear that from now on with Infrastructure Victoria we are going to be able to have — —

The ACTING SPEAKER (Ms Kilkenny) — Order! The member's time has expired.

Mr McCURDY (Ovens Valley) — I am delighted to rise to make a contribution to the debate on the Infrastructure Victoria Bill 2015. The bill before us is yet another smokescreen, another Labor con job. It is another opportunity for a talkfest, another committee, another chance to create a bureaucracy and another nightmare for Victoria.

First of all, let us look back at Labor's track record on infrastructure. It overspent on the desalination plant, which is yet to be used. The north–south pipeline was another Labor lie. What a backflip it did on that project. Labor members said, 'We will never take water from the north and take it to Melbourne'. It was another Labor lie. In relation to the east–west link contract Labor members said, 'Not worth the paper it's written on. No compensation will be paid, not \$1'. But then a \$640 million cheque was written out. As to the proposal for a lease arrangement for the port of Melbourne, it is just Labor's track record on infrastructure we are talking about, and we are looking into the future here. Will the second container port be at Bay West for jobs, jobs, jobs? Will it be at Hastings, which is a natural deepwater port? Will there be no compensation for a second container port? Are you starting to see the common thread with Labor people and infrastructure? There are two words that should never go together, 'Labor' and 'infrastructure', because you know it will end in tears. It always has done and always will do.

Let us look at the Melbourne Market. That is a prime example where there was a greenfield site, an open cheque book and a prime location — and Labor has botched the project right from the beginning. Now it is

trying to recover. It is getting it back on track now, but it is a project that is over budget and over time and will not meet the needs of the people who use the market. I have seen the Footscray market and how it operates very successfully, the logistics there and the volumes of pallets that are moved around; and I have been to the new Epping market that is an accident waiting to happen with B-doubles, forklifts, grade changes and pedestrians all rolled in together. Victoria can ill afford the Melbourne Market to become another Labor disaster. That is another reason to never trust Labor with infrastructure.

Let us look at what Labor said before the election and what it did after the election. It said, 'We will build the infrastructure for Victoria'. Then when the budget came out after the election it had cut the budget by \$6.4 billion — that is, by nearly 26 per cent. That is a cut. Before the election Labor said, 'We'll invest in regional Victoria'. Invest it did — a measly 2.9 per cent in regional Victoria. That is the total investment in the budget, including for Ballarat, Geelong and Bendigo. The 25 per cent of people who live in regional Victoria are beginning to feel ripped off by the Andrews Labor government. Before the election it said there would be no compensation paid for the east-west link, and we all know a \$640 million cheque was written out.

I note that in his contribution on the infrastructure bill last night the member for Oakleigh talked about oak tree projects:

... the people who plant the trees are not necessarily the people who will sit under and in the shade of the oak trees.

It was a wonderful contribution! I think the oak tree is really code for millstone. Was myki an oak tree project? Maybe the desalination plant is an oak tree project, because the one benefit of the desalination plant is that we can all sit near it and get shade; we certainly do not use the water. Will the Melbourne Market become the next oak tree project, the next millstone? One thing we know is that Labor is a national park for white elephants.

Let me recap what Labor set out to do in the relocation of the current Melbourne Market in Footscray to the greenfield site in Epping. Labor did not consult the industry. It said it would cost \$300 million back in 2004 when it was announced and that it would be delivered in 2010. What did we get? We got substandard premises, grade changes, a logistics nightmare at a cost of \$600 million to the Victorian community. Here we are in 2015 and the market is still not open.

We are talking about infrastructure in the Infrastructure Victoria Bill, so let us look at the port of Melbourne. If

you look across the horizon you can see that mirage, that white elephant, starting to poke its head up as well. The lease of the port of Melbourne is set to generate \$7 billion. That income has been generated from the sheep's back, and from the thousands and thousands of acres of cereal crops. It has been generated by the dairy farmers of this great state, people who work seven days a week, starting before the sun rises and finishing well after the sun sets. The lease is set to generate \$7 billion, and how does the government reward the people living in regional Victoria? It flicks them a few scraps. It gives them 3 per cent of the proceeds to see if that will shut them up. I can tell the government that it will not.

Amazingly enough, the day after the government made this commitment to give \$200 million — a mere pittance — to regional Victoria the Minister for Roads and Road Safety said he could use the funds for road projects between Melbourne and Geelong. That is clearly an example of giving money to the farmers on Sunday and then deciding to give it back to Melbourne on Monday. The government is trying to bribe regional Victorians with a \$200 million cheque, but it is not going to work. Labor has betrayed regional Victoria in the past and it continues to do so. We are awake to it.

In question time today the Treasurer had the gall, the gumption and the nerve to utter the famous words of the now Premier when in opposition he said to the Victorian people, 'No compensation will be paid on the east-west link. Not one dollar'. Today the Treasurer used the same words: 'If a second container port is commissioned, there will be no compensation'. Only time will tell, but we have been caught out by that old trick once before. Sorry, but Victorians are nervous and do not trust the Treasurer. Do we need infrastructure? Of course we do, but we do not need another disaster, another white elephant. Regional Victorians cannot be bought for \$200 million. A dud deal for farmers is still a dud deal regardless of any sweetener the government tries to produce. Labor cannot be trusted when it comes to building infrastructure.

Let us look at the board make-up of Infrastructure Victoria. The bill provides for seven board members, of which three are departmental secretaries. I have all the time in the world for departmental secretaries, but they are paid to implement government policy so I think I know which way they are going to vote. The proposed chair will be firmly in the Premier's pocket. Finally there will be three other token stakeholders — probably coalition supporters — who will be able to declare a conflict of interest and probably will not be able to vote at all. It is fair to say that if the Infrastructure Victoria Bill gets up, the board will be created as just another Labor puppet. Regional Victorians will not stand for

this. We want our fair share because we made the port what it is today. We have earned more than the 3 per cent, the scraps off the table, we are being offered.

Last time Labor was in government it responded to the Eddington report with a \$38 billion plan, and that turned out to be a talkfest. Infrastructure Victoria will turn out to be the same old thing: another Labor wishing well, something it can talk about to either deliver dud projects or not deliver them at all. I cannot believe the members for Bendigo East and Bendigo West sold out their communities. They represent regional Victorians, but they have obviously been ignored in this whole process.

In conclusion, we cannot sell our farmers down the river and out through the mouth of the port for a few dollars. Dairy farmers in Cobram, grain growers in Burramine and livestock producers in Oxley, Milawa and Myrtleford will all pay a lot more to use the port if this dud deal goes through. We cannot afford to sell them short for a quick buck. Twenty-five per cent of Victorians live in regional Victoria, and what did they get in the budget? In the 2015–16 budget less than 3 per cent was spent on infrastructure, and now the government is saying that about 3 per cent of the proceeds of the lease of the port of Melbourne will go to regional Victoria. There is a common thread there: we are not getting our fair share. As we know, the country roads and bridges funding in regional Victoria has gone; there has been a 10 per cent cut to our roads budget. Clearly Labor does not care about regional Victoria. The coalition does not oppose the Infrastructure Victoria Bill, but the authority will be another talkfest and Labor will use it as a puppet. I commend the bill to the house.

Mr EREN (Minister for Tourism and Major Events) — I am pleased to speak on the Infrastructure Victoria Bill 2015. I want to take members back to the mid-90s when Victorians left the state because of the administration of the then Kennett government. We all recall schools closing down and being sold off and anything that was not bolted down being sold for privatisation, the deterioration of workers' rights and conditions, and all of the associated misery there was in the seven dark, long years of the Kennett government during which skilled people left Victoria. Then we had 11 years of the wonderful Bracks and Brumby Labor governments, which meant a lot of the people who had departed Victoria came back. Luckily, since then we have had only a one-term Liberal-Nationals government because over those four years the upward trend was changing.

People want to live in a state where there is good education, where there is a good health system and where jobs are available. Under Labor's administration, during the global financial crisis Victoria was the engine room of jobs in the nation. We are not a mining state, but we had the policy settings which made Victoria an attractive place not only to live, work and play, but also to invest.

Let us not forget the terrible words uttered under the Kennett government that regional Victoria was the toenails of Victoria. That was said by the then Premier.

Mr Nardella — Of the state.

Mr EREN — Of the state. Who would want to live here under those circumstances? Members opposite have a lot to answer for. They have had administrations which led people to leave this wonderful state. They are coming back because Labor has the proper policy settings in place. Leading up to the election a number of policy settings were announced, and the establishment of Infrastructure Victoria was one of them. We like to honour our commitments and promises, and that is exactly what this bill does.

Mr Nardella — Not like to do — we do.

Mr EREN — Absolutely — we do. We are not going to renege on these promises. I know it must be very tempting for members on the other side. When they were in government they did a number of backflips on announced policies, but we are not going to do that, and this bill provides for one of those policies.

When you think about the long-term viability of the state, it cannot be just political. Some decisions are made purely on the basis of politics, just to get through an election. Avalon Airport is a case in point. The previous government came up with a flip-flip policy. It said, 'We will save it for the next 12 months. We will just get over the election cycle, and we'll have another look at it if we get back in'. That is not the way to work. We need some certainty. We need to make sure that businesses feel comfortable operating out of Victoria and that people feel comfortable living here. That is why it is important to have an organisation that will address the short, medium and long-term needs of Victorians going forward. This should not be based on political cycles.

One of the great decisions made by Labor back in the day was to make the Geelong Ring Road a reality. It had been in the *Melway* as a proposed freeway for decades, with every government during that time saying, 'We'll get around to it eventually'. It was a

Labor government that saw fit to make the crucial investment in that 26-kilometre road, which is now a gateway to the west coast. In relation to my portfolio of tourism, we know that critical infrastructure, such as the Great Ocean Road, brings dollars to our state. We on this side of the house are very proud of some of the policy decisions we have made, and this is another policy decision that will be crucial to our state thriving and flourishing going forward and indeed being the best place to live, work and raise a family.

Victoria is growing at a faster rate than any other state in the nation. There is a reason for that. We will potentially exceed the population of New South Wales. Sydney is bursting at the seams, but unfortunately the New South Wales government has made some bad decisions in relation to its infrastructure. Sydney is gridlocked on occasion. It has problems not only in relation to the CBD but also generally. The New South Wales government does not have a handle on its infrastructure. People are moving away from those sorts of problems and wanting to live here. We estimate that by the mid-2030s our population will be about 7 million. We need policies to accommodate growth. We know what a wonderful place Victoria is in which to work and live, and this legislation will ultimately help to sustain our quality of life through that growth.

I want to refer to a terrible decision that was made by the previous government — the east-west link. It was a project the coalition just could not get out of. It committed itself, but it was not quite sure about it. The project did not stack up; even the federal government admitted that. When you are going to lose 55 cents in the dollar on an investment, you know you are on the wrong track. It would have meant being locked into paying \$10.7 billion going forward for a 5-kilometre tunnel that would get people nowhere. Labor took it to the election. The previous government wanted to make a political issue of it, which it did, and it lost. Similarly, in discussions about the port we have always maintained that Hastings is probably not the appropriate place to build our second container port and that Bay West would be a better option. We have maintained that Infrastructure Victoria would have the ultimate say in relation to where that very important port should go.

Regional Victoria is going to accommodate most of the population growth I have talked about. As Melbourne gets bigger, people will want to move to regional Victoria, and we would encourage them to do so. The regions will need support to accommodate that growth. If the previous government had been elected for a second term, large amounts of money would have been invested in dud infrastructure projects such as the east-west link. It would have deprived regional areas of

crucial funds for many years. My colleague the member for Geelong mentioned that the growth rate in her electorate is huge. Wyndham is the fastest growing area in the nation, with 83 babies born there each week. Between the Geelong area and Werribee alone there will be an extra 500 000 people in the next 10 years.

Lots of work needs to be done, and this is the organisation that will do it. This will be the think tank that will provide ideas to meet the needs not only of Melbourne but all of Victoria. It will comprise seven members in total: three departmental secretaries to ensure coordination with government and four members appointed by the Governor in Council to ensure independence and to bring in external expertise. It will have a 30-year infrastructure strategy that will be released to the public for consultation. It will be the only Australian infrastructure advisory body that requires this. We want to be open and transparent throughout this process. There will be no more backroom deals; governments cannot risk doing deals like that. This legislation will ensure that we can accommodate the wonderful population growth we are experiencing. I commend the bill to the house.

Mr T. SMITH (Kew) — I rise to speak on the Infrastructure Victoria Bill 2015. Obviously we are not opposing this piece of legislation. Any piece of legislation, and indeed any government policy, that seeks to take the politics out of the provision of important, city-improving infrastructure is something we welcome. But the obvious point to make from the outset is that the last time Labor received so-called independent infrastructure advice — from Sir Rod Eddington — it did not follow it.

Sir Rod Eddington said in the introductory section of his 2008 review:

I want to make clear that I do not support — and I have not adopted — a ‘road versus rail’ approach to transport planning. I do not consider this to be a helpful or realistic distinction. Instead, I have examined which modes of transport best fit the journeys that are important to Melburnians: for example, rail services are clearly effective at getting large numbers of people to and from workplaces in the central city, but are much less effective at meeting other travel needs. Instead of favouring one mode over another, I have looked for the right combination of modes that offer the best options for meeting Melbourne’s east–west transport needs over the next 30 years. For these reasons, I have focused strongly on increasing access to the central city by public transport.

I have made two major infrastructure recommendations:

A new 17-kilometre rail tunnel linking Melbourne’s fast-growing western and south-eastern suburbs — a generational ‘step-up’ in the city’s rail capacity and Melbourne’s first ‘metro’ style passenger line.

A new 18-kilometre cross-city road corridor that provides a much-needed alternative to the West Gate Bridge, while also delivering substantial economic, transport and amenity benefits to Melbourne.

Sir Rod Eddington was of course the first infrastructure expert to advise on the construction of the east–west link. Sir Rod essentially created a bipartisan response to Melbourne’s growing population, car congestion and public transport issues. That is quite simple. Both major parties support increasing capacity in the city loop — in and around the central city — by rail. Both supported the need for a second river crossing and connectivity between the Eastern Freeway, the Tullamarine Freeway and the airport until Labor last year flip-flopped all over the place on the east–west link and subsequently tore up the contract.

I accept that Labor has quite reasonable intentions with this Infrastructure Victoria organisation, but quite frankly the actions of Labor members this year in tearing up the east–west link contract were so extraordinarily negligent and so politicised that you cannot honestly take these people seriously when they say, ‘We now want to depoliticise the provision of infrastructure here in Victoria’.

I was recently in New Zealand, where I met Prime Minister John Key, who is doing an outstanding job for the people of New Zealand. The National Party government has been elected three times now and is hopefully going to get a fourth term. The east–west link and the issue of sovereign risk were raised with us in New Zealand. Sovereign risk in Australia in relation to the provision of infrastructure such as the east–west link was, extraordinarily, raised with us in New Zealand.

Mr Nardella interjected.

Mr T. SMITH — It was actually pretty embarrassing, Don. It was really embarrassing, mate, to be asked about this. The member — —

The SPEAKER — Order! The member for Kew will speak through the Chair and will use appropriate titles.

Mr T. SMITH — Apologies, Speaker. It was pretty embarrassing to have our cousins across the ditch questioning sovereign risk here in the state of Victoria because the turkeys opposite tore up a legally binding contract.

Mr Wynne — Are you trying to justify your trip?

Mr T. SMITH — It was absolutely justified. I met the Prime Minister. I met the Treasurer. It was a good trip.

Mr Wynne — Who paid for it?

Mr T. SMITH — We all did.

I understand the intention behind what Labor is trying to do with the Infrastructure Victoria Bill 2015, but you cannot tell me that infrastructure will not be politicised going forward. By its very nature it is political. You are dealing with the wants and needs of a multitude of different constituencies and interests, and you cannot say that just because there will be a new body that is providing so-called expert advice infrastructure will not be politicised.

We have this bizarre situation at the moment where we have a West Gate distributor and a western distributor. Which project is which I do not really know because I think the government does not actually know which one it is going to proceed with. I would love to know which project it intends to proceed with and so would the people of Victoria, because we do need a second river crossing. We absolutely need a second river crossing. Infrastructure Australia says that, and both sides of politics in Victoria say that. Unfortunately, however, Labor is all over the place when it comes to particularly the negotiations with Transurban and indeed the provision of the West Gate distributor project itself.

Half the problem is that I do not really trust Labor ministers when they talk about maximising asset values or building infrastructure because none of them has ever worked in the private sector. None of them has ever actually had to manage a balance sheet.

Mr Nardella — Wrong.

Mr T. SMITH — You have not. None of you has ever had to manage a balance sheet.

The SPEAKER — Order! Again I ask the member for Kew to speak through the Chair.

Mr T. SMITH — We have these ministers on L-plates trying to work out these major city-changing infrastructure projects for Melbourne and the rest of Victoria, but I do not have any faith that they have any idea what they are talking about.

Mr Wynne — You are talking about L-plates?

Mr T. SMITH — I am, Minister. I am indeed talking about L-plates.

Mr Wynne — How long have you been here now?

Mr T. SMITH — Six months, but I am not a minister. The Minister for Public Transport has never worked a day of her life in the private sector — not one. We are expected to believe the party that bungled myki can successfully put a tunnel under the Yarra. I do not trust you to put a tunnel anywhere, quite frankly, let alone under the Yarra. Consider the disasters of the desalination plant and myki and the tearing up of the east-west link contracts, and you expect us to believe that you can build this metro rail tunnel. It is not funded — —

The SPEAKER — Order! For the fourth time I warn the member to speak through the Chair.

Mr T. SMITH — I just have no confidence whatsoever that the Labor Party can successfully manage this metro rail tunnel project, which we all agree is very important for Victoria's future and Melbourne's future.

Mr Wynne — Come on, mate, put your heart into it!

Mr T. SMITH — I am getting there. We are working up to it. Thank you, Minister.

The SPEAKER — Order! The Minister for Planning will desist and stop helping the member for Kew!

Mr Wynne — I am encouraging him and providing him counsel.

Mr T. SMITH — I thank the minister. The other important issue that has been raised today is that of the port. Given that the Labor Party is so keen now on objective infrastructure advice coming from Infrastructure Victoria, I do not understand why Labor would not allow an upper house inquiry that is to provide objective advice to government on how best to sell the port of Melbourne. Why Labor members want to have a shorter time for that investigation than for the investigation into Adem Somyurek, a member for South Eastern Metropolitan Region in the other place and the former Minister for Small Business, Innovation and Trade — or than for lunch, for that matter — is beyond me. What those opposite want is to have an investigation into Adem Somyurek that is longer than one they will have into the sale of a port that could net the state billions. I think frankly that is bizarre.

We support an upper house inquiry into the port because we feel that Labor cannot manage these sorts of large-scale asset sales and infrastructure projects. We

would like to have the Parliament investigate this to ensure that the return for the state is maximised as much as possible. Labor has serious form when it comes to wasting public money in Victoria. I return to the \$1.4 billion blowout on myki and the \$1.8 million a day that the desalination plant will cost us for the next 27 years. Government members want us to believe they can successfully sell a port and have a lease situation for 70 years; they expect us to trust them on that. I do not trust the Labor Party when it comes to infrastructure or large-scale asset sales because none of the government members has worked in the private sector and none of them has a clue. I will conclude on that.

Mr NARDELLA (Melton) — I support the Infrastructure Victoria Bill 2015, and I want to address a number of issues raised against the bill by Liberal members and their junior partners. Let us talk about the Geoff Shaw government and infrastructure. Let us talk about why the first iteration of the Geoff Shaw government under Premier Baillieu and the second under Premier Napthine did not establish an independent office like Infrastructure Victoria to give it advice and priorities for building infrastructure for Victorians. Members of that government did not want to build any infrastructure. They did not do anything or open any infrastructure in Victoria that was not planned or funded by the previous Labor government. The only ribbons those members cut were Labor government ribbons. They did not want a situation where they had an organisation like Infrastructure Victoria that independently went through projects and priorities for Victorians.

Let us give the previous Geoff Shaw government the benefit of the doubt, though, in terms of the infrastructure it built.

Honourable members interjecting.

Mr NARDELLA — That is right — there was nothing! Let us go through it again — the infrastructure that the Geoff Shaw government built.

Honourable members interjecting.

Mr NARDELLA — There was nothing. There was absolutely nothing. That government did not build a thing. Hang on; remember the slogan of that government? ‘Build the future’.

Mr Pearson — And ‘Fixing the problems’.

Mr NARDELLA — Yes, there was ‘Fixing the problems’ and ‘Building the problems’. Building the problems? It could have been ‘Building the problems’, but it was ‘Fixing the problems’!

Time and again Mr Baillieu talked about building the future. Let us list these promises. The former government planned to build a rail line — this is a good one! — to Avalon Airport. Can we use it? No, because that government did not build it. The former government planned to build the Doncaster rail line. Can we use the Doncaster rail line today? No, because it did not build it. The former government planned to build the Rowville rail line — remember the Rowville rail line? Can we use it? No, because it did not build it. The former government planned to build the Tullamarine airport rail link — remember that promise that Mr Baillieu made? Can we go to the airport by train? No, because that government did not build it.

Now I turn to the junior partners. These are the people who cannot work out who they are. Whether they were the VicNats, The Nationals, the Country Nationals or the Country Party — they did not know which they were — they made promises about infrastructure. They were going to put gas into communities. We did 37 in seven years — 37 gas extensions to country towns in seven years. Did The Nationals do any? They did three. It was easy pickings, but they only did three in the four years they were in government. They promised to build them in other towns, but they did not do it. The list goes on.

Remember the solid promise — the core promise? The former government promised to provide the infrastructure around 800 new hospital beds. Remember David Davis, a member for Southern Metropolitan Region in the Council? He was a great shadow Minister for Health. He was very good at doing the numbers, but when it came to policy and putting together programs, he was not that good. The former government had to put in place 200 hospital beds a year over four years to get its 800 beds. We did an audit; how many beds did the former government get together out of that 800? It provided 22 additional hospital beds — just over five a year for four years. It would have taken the former government 36 years to put in place the 800 beds it promised in 2010. That is how incompetent that mob really was.

Former government members promised to fix railway crossings. The Australian Level Crossing Assessment Model produced a list of the top 200 rail crossings — the most dangerous rail crossings that need to be fixed. They promised to fix them. Out of that top 200, which railway crossing did they pick? Was it no. 1, no. 2 or no. 3? They went for no. 222, which was not even in the priority list. They fixed up a railway crossing at Polwarth, in the country, in the electorate of the Minister for Public Transport so that he could safely drive his horses to the racetrack. That is how important

safety and railway crossings were to members of the former government. Then they promised a second one, which was in Brighton. They wanted to look after their deputy leader. They planned to put in place a grade separation at New Street, Brighton. Let me tell honourable members what a grade separation is: it means you build a bridge or you build a tunnel so that cars and trains do not mix. They duded their own deputy leader. There is a boom gate at that crossing now! They could not even get that right for their deputy leader. They say they do not trust us on infrastructure, but they cannot even meet their own promises.

In relation to the bill, my honourable friends talked about openness and accountability. We heard this from the same people who gave us the FOI officer Don Coulson and then protected him. They talked about openness and accountability. Don Coulson, the USB porn king who distributed porn to ministers, was so busy doing that that he could not even process any FOI requests. Members of the opposition have criticised this bill, but they had a protection racket for Don Coulson in the Premier's office, of all places!

Some of my honourable friends went back to the good old days in their contributions to the debate. They have memories of the good old days, back with the Kennett government, when members of that government were the infrastructure kings. An opposition member talked about the Bolte Bridge, which is so low that you cannot get cruise ships under it. The Liberal Party planners and governments in the 1950s, 1960s and 1970s built the West Gate Bridge high enough so that cruise ships could come in. Members of the Kennett government — those absolute fools — built the Bolte Bridge too low. Imagine if cruise ships could come straight into the middle of Melbourne and then off-load. But they cannot do that. Those were the good old days!

Then you had the West Gate Bridge, the non-Montague Street and the Bolte Bridge. The Montague Street intersection was a mess. We told the then government members it was a mess back in 1993 and 1994. They did not listen. We had to spend \$1.1 billion to fix up their mess. They come in here and want to talk about the Eddington report. All they had to do was follow Eddington: the research, the priorities, the things he talked about and researched. All they had to do in their four years was to follow Eddington because he had prioritised for all Victorians. But these geniuses, these Enrons, could not even get that right.

When they talked about the east-west link they were talking about going from the west to the east. That was the priority. They started the other way around — some would say the backside around; just put that together —

in regard to that particular priority. They could not even get that right, and tragically they squandered funding. They squandered money that should have been used to build infrastructure. We need to follow priorities. We need to make sure that this bill is put in place. We do not need dirty deals between the Liberals and the Greens to make sure that it does not get through.

Mr WAKELING (Ferntree Gully) — The member for Melton, whilst often not relevant to the bill at hand, is always entertaining. We will always grant him that. We thought he was speaking on the next bill, which is the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2015, but that is for another day.

I am pleased to make a contribution to the debate on the Infrastructure Victoria Bill 2015. As is outlined in the second-reading speech and the statement of compatibility, the bill establishes Infrastructure Victoria to provide independent and expert advice about Victoria's current and future infrastructure needs and support improved social, economic and environmental outcomes for the state. The bill also establishes a new strategic infrastructure planning process for Victoria. At the outset that in itself seems a laudable approach. Any efforts by government to have a system in place that has infrastructure at the forefront and will ensure that we have a strategic approach to infrastructure you would think would be laudable. But I like to think that we should judge the government — the Labor Party — not on its words but on its actions, and one only needs to look at the 11 years that the former Labor government was in power to see what it did during its time in power.

While we are talking about major projects let us look at the major projects that the previous Labor government was responsible for. There was the north-south pipeline, which resulted in \$750 million being wasted because it was predicated on the thought that when Eildon Weir is flooded, Melbourne is in drought. We had a ridiculous situation under the north-south pipeline which meant that when the Goulburn River was in flood the water that was meant to flow down the north-south pipeline flowed into Sugarloaf Reservoir. But funnily enough Sugarloaf Reservoir was at capacity anyway. To operate the pipeline, water would have to flow down the north-south pipeline into the reservoir, and that would then overflow into the Yarra and out to Port Phillip Bay. We spent \$750 million of Victorian taxpayers money on that debacle. That was done by the former Labor government.

Let us look at the desalination plant, which is going to cost Victorians upwards of \$2 million per day every

day for at least 27 years. The history of this project — and I was a candidate at the time — is that the Liberal Party at the 2006 election proposed the construction of a small desalination plant to provide a backup water supply. What did the then Labor Premier say about that proposal? He said it was a hoax. He said there was no need for it. In fact the member for Yan Yean said something like, 'It is never going to rain again in Victoria.'

We had these absurd comments from the government. Breathtakingly, we then saw the then Premier in the April after the 2006 election stand up in this house and announce that he was going to build a desalination plant, the same desalination plant that he called a hoax in November of the previous year. He not only said he would build the desalination plant but he wanted to build the biggest desalination plant in the southern hemisphere, a plant that has not been used to this day. We are wasting \$2 million every day over 27 years on that exercise.

We can look at other projects such as myki and the Melbourne Wholesale Fruit and Vegetable Market. These projects were managed by the former government. I listened with interest to the member for Melton's contribution about election commitments. In my community of Knox — and the member for Bayswater would be aware of this — there was an election commitment to build a tramline to Knox City shopping centre. As residents in the electorate of Ferntree Gully and in Knox city would be aware, you cannot catch a tram to Knox City shopping centre because the tram stops at Vermont South; it does not go anywhere near Knox City. A commitment was made by the Labor Party in 1999. Sixteen years later the Knox community is still waiting for the Labor Party to deliver on its election commitments.

I will not stand in this house and be lectured by those opposite about election commitments when they are more than happy to come out to my community and make absurd commitments like that. As soon as they were elected in 1999 they walked away from an election commitment. They spent 11 years in government, not willing to address their own election commitment. Now we have a new Labor government, and it too is unwilling to match the commitment that it made when it was last in power.

We are being lectured in this house about the need for Infrastructure Victoria and how it is about ensuring that we take the politics out of the way in which we assess infrastructure. As many in this house have mentioned, it happened under the leadership of former Premier John Brumby. I was a member of this house when that

occurred. The Premier made it very clear that he wanted to take the politics out of future infrastructure and that he wanted a long-term vision. He said it was incumbent upon all Victorians to get behind that vision.

Sir Rod Eddington was engaged by the then Labor government to conduct a review of the infrastructure needs of Victoria. As a consequence of the review, he recommended two major projects in his report, the first being a 17-kilometre route linking Melbourne's fastest growing western and south-eastern suburbs, the Melbourne Metro tunnel, and the second being an 18-kilometre cross-city road corridor to provide a much-needed alternative to the West Gate Bridge, while also delivering substantial economic transport and amenity benefits to Melbourne. Those were the recommendations by Sir Rod Eddington to the then Labor government. The position of the then Labor government was to endorse the recommendations of Sir Rod Eddington.

With a change of government, the new coalition government also endorsed the recommendations of Sir Rod Eddington. We too agreed that we needed to have two major pieces of infrastructure in this state, the first being the creation of an underground rail tunnel and the second being the creation of a cross-city road corridor linking the east to the west. These were consistent with the underlying principles set out by Sir Rod Eddington in his review. The Victorian community wanted consistency of messaging with respect to infrastructure. What do we get from the current Labor government? It has turned its back on its own recommendations. Labor members had endorsed the project and sought the recommendations of Sir Rod Eddington under the leadership of Premier Brumby.

I come back to my original comment — that is, that a government needs to be assessed not on its words but on its actions. If the Labor Party was interested in ongoing and longstanding infrastructure that was bipartisan, beyond politics and done by way of a strategic approach developed by someone independent of government, it had the perfect opportunity to stand shoulder to shoulder with the coalition government to implement the recommendations of Sir Rod Eddington.

In fact we saw Labor members adopt four positions when it came to the east–west contract. At first they supported the east–west contract. Then they said they would not support it unless it started in the west and went to the east. They then said they did not support the east–west contract, but if the government were going to build it, they would honour the contract. Then because the polling showed that they were going to lose seats to the Greens, they said they were not going to honour the

contract. It had nothing to do with infrastructure, it had nothing to do with long-term planning but it had everything to do with politics.

This government has clearly demonstrated that, again, it cannot be trusted with the development of major projects, and I am greatly concerned at its capacity to develop a long-term infrastructure strategy for this state.

Debate interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! It gives me great pleasure to welcome Congressman Jim McDermott, a member of the House of Representatives of the United States of America. We welcome you.

INFRASTRUCTURE VICTORIA BILL 2015

Second reading

Debate resumed.

Debate adjourned on motion of Ms SPENCE (Yuroke).

Debate adjourned until later this day.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2015

Second reading

Debate resumed from 24 June; motion of Mr PAKULA (Attorney-General).

Ms VICTORIA (Bayswater) — I rise to speak on the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2015, and from the outset I say that the coalition will not be opposing this bill.

The changes to the Victorian act follow on from amendments made at the commonwealth level. We have had an ongoing partnership, if you like, with the commonwealth for many years. Consequently what it does at a federal level is what we do in the state. The commonwealth Classification (Publications, Films and Computer Games) Act 1995 has been recently amended, prompting some of these changes. I have to say that the bill continues a very fine Liberal principle that in a free society the role of government is to give people the information they need to allow them to make

their own informed decisions about the many aspects of their lives. The bill also further ensures the growth in this sector is not restricted because of regulation. That is something that we on this side of the house definitely support.

Importantly, the changes are based on the 2011 Australian Law Reform Commission review of the National Classification Scheme, which made many good recommendations, and certainly some of these are being enacted here. These changes also enjoy the support of the sector. I consulted widely on this bill, and nobody had any objections to what was being proposed. The bill acknowledges that technology is changing in this area. Just as we have had cultural revolutions and the industrial revolution, the technology revolution is something we need to be mindful of. Certainly in the film and screen sector it is very prevalent.

We need to be very mindful of this because the sector is a great economic driver. It offers great value not just to the Australian economy but also to the Victorian economy, not to mention the employment that is generated and also the enjoyment it gives millions of Australians. Therefore it is incumbent upon us to ensure that the technology keeps up with people and their expectations and that, in turn, the legislation keeps up with the technology.

Recently I was lucky enough to be shown the future of filmmaking through advancements in digital technology. I cannot yet talk about it here because it is so new and I was sworn to secrecy, but through a method of beautifully and carefully developed new lenses and other hardware, I have seen what we will all be watching in as few as two to three years time. I have to say that it is mind-blowing at the very least, so again, as legislators, we must ensure that we keep up to date with the latest technology.

The Interactive Games and Entertainment Association noted in an article in March this year that in 2014 there was a surge in sales of video and computer games in Australia. Total sales for last year reached nearly \$2.5 billion, which was a 20 per cent increase on the year before. Interestingly, almost \$1.25 billion of these sales were digital sales, which is just under half. That is a 39 per cent increase on the year before, so it is substantial in anyone's language. The bestselling games in Australia can sell up to 5 million units each, which is a big number, so clearly this sector is providing enjoyment to many Victorians and Australians. There has also been a jump of some 56 per cent in sales of mobile apps, many of which are games.

This leads me to a development happening here in Australia. I spoke about this not so long ago in Parliament, but it is good enough that we should talk about it again. There is a fabulous game development company in my electorate called Torus Games, and Bill McIntosh heads that company. It has produced not only its own games but also games for Warner Bros, DreamWorks and Leapfrog. This year it worked for Disney, and earlier this year it was given the accolade of 2015 Disney game developer of the year. That is a worldwide accolade. Torus Games is a great Bayswater company of which we are very proud. Bill and Pam travelled over to Bologna in Italy for the Bologna Children's Book Fair and received the award from Disney. There are great things being done right in our own backyard. It is for producers, publishers and game developers like Torus Games that we need to ensure that the technology is kept up to date and that the legislation reflects that technology.

When it comes to television and film, the sector is also changing very rapidly. More and more content is being sold digitally, with many programs being sold exclusively on digital platforms. If you look at what is happening in the United States, there is Netflix, which we have here as well, but there are also many streaming platforms that produce content that is probably now outweighing what is produced on other media. This creates a challenge for the classification process because obviously there are so many more methods of distribution and there is so much more content that needs to be produced at a much greater rate.

Business Spectator noted on 17 September last year that electronic or digital sell-through sales grew by 26 per cent in 2013, but of that figure digital sales still only made up \$70 million compared to \$1.1 billion from sales of traditional media packages.

PricewaterhouseCoopers has done a really good prediction of where the industry is heading, and it thinks the boom in digital sales will probably peak at around 49 per cent. That is close to where it is, but PricewaterhouseCoopers thinks that by 2018 that will actually peg back to probably only about a 12 per cent growth spurt.

We are still waiting to see what the effects will be on the industry here in the Australian market of the introduction of streaming systems like Netflix. We are watching that with great interest because, as governments, that will be where we learn to spend our dollars and incentive programs. No matter which way you look at it, the industry affected by the bill is worth billions of dollars to the Australian economy, and Parliament has a duty to ensure that what we are doing helps the industry function as smoothly as possible.

If we look at classification in Australia, there is no doubt that the work of the Classification Board is significant. For example, in the 2013–14 year the board made decisions on 4129 items. Growth was experienced in the number of decisions required for computer games, with 458 classifications made in that particular group. However, the overwhelming area of classifications is still the film sector, with over 3300 decisions made about films in that financial year. This includes films that are shown at the cinema — the sort of thing we might go to on a weeknight or weekend or take the kids to — as well as those available for sale and hire in one format or another. But it is worth noting in the house as part of this debate just how important the classification process is to the sector.

Our sector is a very seasonal one, with many annual festivals and competitions on the calendar, and that calendar is full, especially here in Victoria where we are such a leader in the field. When locally made films are looking to get attention and find an audience, it is a highly competitive market and filmmakers need to be able to clear their offerings through the classification system as quickly as possible. Getting picked up by a mainstream house or producing something for mainstream release is the difference between a small local independent film making \$10 000 or \$12 000 and it being worth more than \$0.5 million.

I do not know whether members of the house have had a chance to see the beautiful Australian film that came out last year called *Paper Planes*, but is one of the most beautiful films ever to come out of this country. It is a small blockbuster film that had really good viewing overseas, but it will still probably fall short of the \$10 million mark in terms of its income. It is really important that when films apply for classification it is done appropriately so that these films get through to the appropriate audience. If the classification is wrong or untimely, it may well miss a good release or miss the mark in terms of the audience it is targeting to begin with. For the chance to have good financial success, it is really important that films get through the classification process promptly so that they can be publicly screened and then go for that wider distribution.

It is also really important that films meet their release dates. Whether it is the summer season or school holidays, release dates are vitally important to the bottom line — the dollars that a film makes. Anything that helps to streamline the work of the Classification Board and reduce its workload is something that we will proudly put our name behind and say, 'Yes, we will help out on that'.

It is not just the filmmakers themselves who benefit from this process but also film festivals. Melbourne has one of the greatest film festival scenes in Australia, and we are also right up there on the world stage. For those who have not had the chance to go yet, the Melbourne International Film Festival (MIFF) is on at the moment and has some amazing offerings, and that is continuing for a couple of weeks. We also have the Melbourne International Animation Festival, which happened in June, and the Melbourne Underground Film Festival, which begins on 11 September — and that sprang out of the frustration of some with not being able to get their films into MIFF because there are only so many screens that can take so many films over a certain period. So there is an alternate festival there.

There were over 300 films screened during MIFF last year, and the financial input into the local economy was estimated to be \$9.8 million, which is great for tourism in anybody's language. It is also great for people in the city and all the other locations where screenings are held. We have also very proudly got the Melbourne Queer Film Festival, which celebrated operating for 25 years in March. As well as bringing money into Victoria, the festival also has a very proud history of showcasing content that is both tolerant and inclusive of all members of the community.

Then there are the local film festivals that are organised in many towns, and they obviously provide a great boost. They tend to be a little bit smaller in size and shorter in length than the major festivals, but they are important nonetheless. There are also the various foreign language festivals such as the AICE Israeli Film Festival 2015, which will be commencing later this month and which is a really important festival. There is the Indian Film Festival Melbourne, which I know so many members of this house have attended with me. Mitu Bhowmick Lange is responsible for that festival. The work that Mitu has done on the Indian film festival has been quite incredible, especially the featured stars she brings out to Australia. I had the great pleasure last year or the year before as former Minister for the Arts to present a lifetime achievement award to the legendary Amitabh Bacchant, who is the godfather of Bollywood. Mitu has that amount of pull in attracting stars to come here. Stars come to Melbourne, and they come gladly. That festival commences on 14 August and more than 55 films will be screened this year.

We on this side of the house have a very long history of supporting such festivals, and we will very happily continue to do so. There is one thing that they all have in common no matter the film or the cinematic theme — they rely on effective classification programs for their success. Accordingly, given how highly

Melbourne and Victoria value the film industry, we should not underestimate the importance of the changes being proposed in this bill which, as I said, were commenced by the commonwealth government. The result of classification, as I touched on earlier, can make a significant difference to the success of a film. A classification can change the reputation of a film. It can limit the audience for a film, which is certainly not what we want to do. We want to make sure that everyone who should be allowed to see a film that is appropriately classified gets to see it, spends money on it and keeps the cinematic world going here in Australia. We need to make sure that the decisions are correct and that the process is working efficiently.

It is worth noting that the classification board released a report in December 2013 entitled *Efficacy of Film and Computer Game Classification Categories and Consumer Advice — A Comparative Analysis of Public Opinion*. The report demonstrates that the Australian public has a very high unprompted and also prompted awareness of film and computer game classification categories and markings. What does that mean? It means that we understand if something is PG, MA, MLX or whatever the classification may be. As Australians we have a good understanding of what the classifications mean. Film classifications are a little more difficult, but there is still a moderately good understanding of what the classifications are.

The understanding of computer game classifications is a little different. It is very important because there have been considerable changes in the categories over the last decade that have had a direct effect on the computer game sector. By putting final decisions on whether to purchase more, if you like, adult-oriented games back to individual consumers rather than having government make all the final decisions, we can open up the opportunity for more consumer dollars to be spent in the sector. It does not matter which way you look at it, the sector is certainly an important financial contributor and the bill can make a difference to the bottom line here in Victoria as well as in Australia. As I said, we are coming into line with what is being done at the federal level. We have to ensure that in any of these changes the functioning of classification happens as smoothly as possible.

As part of my research on this bill I consulted with various players in the sector — in film, television, games and gaming — and none has raised objections, which I am pleased about. The Interactive Games and Entertainment Association has welcomed the changes. In an article at Kotaku.com.au in March the association noted that the classification board faces a great challenge in managing a dramatically increased volume

of video games being sold here in Australia. What we are doing with this bill is helping to create the legislative changes needed to solve problems that have arisen over the years and helping to prevent a classification bottleneck in Australia, but especially here in Victoria.

The article further notes that Australia is trialling the international age ratings coalition (AIRC) system, and that is a great step forward. The AIRC is a globally unified age ratings classification system and Australia is now part of that coalition, which means that digital and mobile games can now be classified using the system, as opposed to going through the traditional process with the classification board. This bill is an important reflection on the technology that is already being used by, say, iTunes, where a podcast file can be scanned and assessed to check whether there is explicit content and whether it is suitable for general public listening or viewing. The changes are an important part of embracing modernity and I commend the Honourable Michael Keenan, MP, the federal Minister for Justice, for ensuring that bureaucracy has not got in the way of the economy on this issue.

Looking at specific parts of the bill, part 2 makes changes to the principal act to ensure that when classification changes are made under the new system, the existing 14-day grace period for suppliers and distributors to change their classifications will come into effect. It is a sensible grace period, and it correctly balances the needs of the marketplace with the needs of regulation. Nobody is saying that we do not need regulation, but we are saying that it needs to be more streamlined. Clauses 5 to 8 of the bill ensure that the regulation applies to all areas, including games and videos and also to publications. I have not spoken much about publications but we take it that they are part of it.

Part 3 clarifies the effects around cultural exemptions under the act. Again, this ensures that in a multicultural community such as Victoria's there is a straightforward balance between regulation and allowing cultural events to go ahead with a minimum of fuss. A result of the amendments is that there are consequential changes to the commonwealth act. Those changes are important in ensuring that a growing multibillion-dollar sector is not impeded by bureaucracy. As I said, the opposition will not be opposing the bill.

To go into a bit more of the nitty-gritty, clause 5 inserts an additional subsection into section 18(4) of the principal act, which allows a 14-day grace period after a classification is revoked and is an important part of the bill. That will apply if the revocation is made under the new sections of the commonwealth act. Section 18(4)

applies to films but other sections relate to publications. Clause 6 refers to sections 26 to 28 of the principal act. Clause 7 refers to section 40(4) of the principal act which is about computer games. Clause 8 refers to advertising, which comes under sections 52 and 53 of the principal act.

I do not want to go into too much more detail. Needless to say, I consider this a step forward for filmmakers and for those who want to distribute films and those who want to conduct festivals, whether they be film or other cultural festivals, and those who run things such as games festivals.

In conclusion, the effective changes to the commonwealth act were made by a coalition government, which I am proud of. They represent Liberal policies relating to streamlining the bureaucratic process. Liberal governments have a long history of that. Last year changes were made to filming permits under the Filming Approval Act 2014 when the member for Brighton was the Minister for Innovation. From all the research I have been doing into this industry I know that one of the best ways for any particular region to win film projects is to make sure that the process of gaining filming permits is a nice easy one. The work done by the member for Brighton when she was the Minister for Innovation was incredibly important. That was a great step in the right direction.

This bill is another step in the right direction. Because the amendments being made bring the legislation into line with the commonwealth act, they are certainly logical. I hope the bill has a speedy passage through both houses of Parliament thus enabling classification to be done in a more streamlined manner here in Victoria.

Mr PEARSON (Essendon) — I am delighted to join the debate on the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2015. I welcome the comments made by the member for Bayswater in indicating the opposition's support of this bill.

The bill makes a number of consequential amendments to the Victorian act to complement amendments made by the federal government. That is a really good thing as we need to make sure there is a degree of harmonisation between what is proposed at the state level and what the federal government is administering. We are in a global market and we need to make sure that we reduce the cost of doing business for the arts, including film. It is very important to have a

harmonious approach between what the federal government is doing and what we in the state are doing.

One of the important aspects of the bill approves classification tools, which will enable content to be classified cheaply and quickly. This is important because the film industry in particular has very high barriers to entry. In his theory called Porter's five forces, the famous academic Michael Porter indicates that the barrier to entry is one of the key issues that often arises and prevents new entrants from coming into a market to create goods and services. It is really important to have a simplified approach to classification. It reduces the barrier to entry and makes it easier for new entrants to come in and try to crack a new market.

It is important, too, to note that the world has changed quite significantly. When the Acting Speaker was the Minister for Information and Communication Technology in the Bracks government, she was trying to do all she could to pursue and support proactive programs to support gaming. I remember at the time trying to understand what it was all about. The area was quite embryonic at that stage. At the time electronic games were seen to be the preserve of adolescent boys or socially introverted university students of engineering. The minister was quite interested in encouraging that nascent industry to grow.

As I said, we live in a very different world now. I am showing my age but I remember when that great movie *Dogs In Space* came out in 1986. I remember feeling quite distressed that I could not see it because it was R-rated. In 1986 I was only 13, so I could not see it but had to wait.

Mr Edbrooke interjected.

Mr PEARSON — The member for Frankston has made the outrageous statement that it was a horrible movie. It is one of the great Australian movies. It should never have been R-rated. Yes, there were sex scenes in it and there was frequent and persistent drug use depicted in it, but it was outstanding.

Ms Victoria interjected.

Mr PEARSON — I take up the interjection by the member for Bayswater. At the age of 13 I would have loved it to have been classified G. I would have loved to have been able to watch that while I was having my dinner. It would have been great.

Time has moved on and now I am a parent. We are all obviously concerned about the content that our children will consume. We need to recognise the new reality,

including the fact that people can look at Netflix on a small tablet or a computer in a bedroom. Kids are going to be exposed to far more content than we were — or certainly I was, growing up in the late 1970s and early 1980s.

Under the current Victorian act, film and computer game festival promoters or cultural institutions must apply to the director of the Classification Board for an exemption. When we talk about the arts we should be trying to make sure that the arts are as broad and accessible to as many people as we can make them. If the regulatory burden on arts organisations and arts festivals is increased, the market will be distorted so that only the very well-off, well-run and well-organised institutions can participate. That would be a great shame.

In ancient history, I was a member of the board of the Melbourne Fringe Festival, which is a great festival. As a funny aside, I relate a story of something that happened before my time as a member of the board. As it was before my time, I can honestly say that I had no involvement in this particular incident. A Nepalese dance troupe applied to come out to participate in the fringe festival. They applied a first year and they were rejected and they applied a second year and they were rejected. At the third attempt, the organisers thought that they should bring them out. I think there were about eight of them. It was quite interesting, because they were all morbidly obese middle-aged Nepalese men who could not dance. The reviews were appalling, the ticket sales were abysmal and none of them got on a plane to go back home to Nepal. Clearly they were asylum seekers. Rather than risk getting on a boat and potentially ending up on Christmas Island, they became artists, got on a plane and participated in the Melbourne Fringe Festival, which was fantastic.

I think it is important that we do recognise that art can mean many different things to many different people, and from a regulatory point of view we need to be trying to lower those barriers to try to encourage these organisations to generate a wide and diverse offering.

The other point I want to make is I think that when we talk about lowering the regulatory burdens and hurdles that are in place, we are not necessarily saying that that will always be the case — or will forevermore be the case. The reality is that enormous power resides at the state and federal levels to intervene where there is market failure and where there is a requirement for the state to re-enter.

My view on all these sorts of questions is that you are much better off having a light-handed approach to

regulation, reserving the right to intervene where there is market failure, as opposed to starting the proposition by saying, 'Let's just have a heavy-handed approach and be done with it'. I think it is also important to recognise that with where we are now the economy is changing. Once upon a time if you wanted to make a video, you would have to have obtained a very expensive piece of equipment, you would have to have hired various gaffers and sound operators and the like, then you would have had to have taken to an editing suite. The costs were quite huge.

I know that at Essendon Airport there is a sign up at the moment at the Bulla Road exit advertising the iPhone 6. There is a picture that was shot on the iPhone 6. The reality is that with mobile phones these days — and technology more generally — the barriers are quite low. Anyone can take footage and can make a movie, which was not the case going back into the 1980s. Clearly you can approach that in two ways. You can turn around and say, 'Look, there is going to be this proliferation of videos and movies, so we need to have a heavy-handed approach to regulation. We need to push it underground. We need to make sure that we control it'. Or we can try to have a light-handed approach to regulation and look at trying to foster and encourage — and not stifle — the innovation, embrace the innovation. We should recognise that the arts can play a critical role in driving not only economic growth but also the way in which we view ourselves and define ourselves in this Asian century.

It is quite interesting that there is a really good Facebook group called Lost Melbourne, and occasionally they have photos and videos. They had a video up on the page about two weeks ago of Collins Street in 1964. Basically a TV camera had been set up for the news just to film Collins Street in the context of I think it was an upcoming strike amongst the tramway workers. The video went for about 2 minutes. It showed people walking, and the trams, cars and traffic moving around. It is interesting when you think about that: it stands out because there is just so little of that vision now. The reality is that over the next 20 or 30 years we are going to be inundated with vision from this time. Some of that will become art, some will have export potential, some will basically tap into our deeper knowledge and understanding of our self, our place in our community and society, and our place in the world and give us our cultural identity. This bill is important. It is important that we lower the regulatory burdens and embrace the future. I commend the bill.

Ms KEALY (Lowan) — I will do my best to make a worthwhile contribution today on behalf the coalition and The Nationals on the Classification (Publications,

Films and Computer Games) (Enforcement) Amendment Bill 2015. If we look at the purpose of this bill, we see it is intended to complement amendments made in 2014 to the Classifications Act 1995, which is a commonwealth act, and to improve the operation of the national classification scheme. This is largely an administrative change to make sure that we are keeping up to date with changes in modern technology with regard to classification tools, but it is also looking at streamlining processes around putting classifications on films and online gaming to make sure we have a system that reduces red tape. We all love to see that, and certainly business supports that. Also our great arts community supports that, as it seeks to make sure it can do what it needs to do to bring our vibrant communities to a point where they can celebrate and communicate in different ways.

We have a vibrant arts community in our region of western Victoria. I encourage anyone who is in the chamber at the moment and anyone who is reading this in *Hansard* to come and visit our area. Natimuk has a fantastic arts community. It has brilliant events throughout the year.

Mr Pearson — Natimuk has a great fringe festival.

Ms KEALY — Yes, that is right. There is an excellent fringe festival in Natimuk, and I recently had the pleasure of opening the Art Is Festival in Horsham. The Horsham group does an absolutely brilliant job in bringing fantastic artwork to the area. It is just about to bring an artist in residence into the community, which I am sure will help to stimulate interest in the arts community, as well as get people more involved and encourage people to communicate in different and exciting ways, to show how they interpret the world and to share that with other people. I greatly appreciate that opportunity.

The other thing of course is that this relates to online gaming, and it would be remiss of me not to mention that online computer gaming for many people in my electorate is not something they can necessarily do, because we do not have great access to internet. Recently I was speaking to the Spencers from down in the Dartmoor region. They were concerned that they could not sign up to the national broadband network (NBN) because it was oversubscribed. I certainly listened to their views, and I will be advocating to make sure that we get better access to internet services and mobile services in our local area. There are obviously some other black holes around our region. It is very, very difficult when you are trying to run a business and you do not have mobile or internet services. It is difficult for local people to keep up to date with local

information, to access markets and to record data, particularly around agricultural businesses. I strongly support our doing something a bit better around that, and I would love to see more mobile towers and NBN access in our local region.

Honourable members interjecting.

Ms KEALY — Bipartisan support is fabulous! There are three real parts to this. I will look at the classification tools. There are new tools that are available. We now have the ability to utilise scanning systems which can cope with an enormous volume of product, whether that relates to the online computer gaming market or whether it is in relation to reviewing films.

We can certainly manage a classification process so that it is cheaper and much quicker, and we can manage those greater quantities. A large volume of online and mobile games come onto the market regularly. I do enjoy online and mobile gaming — computer games. It is a great release, and it is very good to interact with other people. I particularly enjoy that, I must admit. This will ensure that we have fewer games, particularly online games, that are out there unclassified and the content of which we do not know. That will give people a more informed choice, particularly parents and guardians when they are making decisions about what their children can access if they are looking at purchasing a game for Christmas. If they are looking at any of those matters — and this relates to films as well — and at what products our kids should be accessing, then this will certainly help to inform them.

I note that we cannot necessarily rely on the classification system to adequately monitor what is going on, particularly in the online world. There are risks of course around the online chats that often happen, whether it is through a stream of typing or with a voice-over headset. Children are prone to interact in those arenas, where they may be vulnerable to predators or exposed to sexual or graphic content, and that will not be included in this classification system. There is no way to monitor that — it is live. It is important that we respect and accept the classification tools and the work they do, but they are no substitute for responsible parenting and monitoring of children when they are on the internet. We know it is a problem, and we need to make sure we keep on top of it.

Another change that this bill makes is that it provides a period of grace if there is a change in the classification, so that when we have these fantastic new technologies that can review online games or films in a very rapid time frame, the distributors will have a 14-day grace

period to amend the classification marking. That is a very sensible approach. We want to make sure that distributors are not penalised if there has been a reclassification of their product. Rather we want to make sure that they have the opportunity to make the change during the period of grace so that we have a classification system that is up to date and our products are appropriately labelled rather than being mislabelled or not classified at all.

Something that was spoken about a little earlier was the exemption of films and computer games. We have a different system being proposed in this bill — for example, rather than looking at films separately, a festival or event will be able to register, and anything that is shown during that period of time will be exempt from classification. This is still a sensible approach. Obviously if they played an X-rated film, it would not be appropriate and there would be penalties associated with that, so I do not believe there is a great element of risk in doing this. We also need to trust that event organisers want to be respectful of their audience — the people who bother to turn up to support their event — the sponsors of the event, and all the people who have contributed to that event and that artistic or cultural community.

An approved cultural institution can also be registered, and that is appropriate to support our multicultural organisations. That will place responsibility on them, but there is trust that they will not abuse the system. I am sure they will not, and in fact it will give them an opportunity to share their cultural views and information and be part of the community. That is a very sensible way forward.

There is a slight amendment in the bill around modification. If there is a minor change to the content of a film — for example, if subtitles have been added — then there will not be a requirement for that film to be reclassified. Again, it is a really common-sense approach. It is very practical, cuts down on red tape and that is what we want to see from Parliament at any level. That is the right way for us to go.

In summary, we want to do whatever we can to support the arts communities in our local areas. I have outlined the fantastic festivals we have locally. We had the Woolly West Fest in Hamilton last week, and we had the Sheepvention earlier in the week. It has been quite a time down in Hamilton. It is a fantastic area, and I encourage all members to come along to western Victoria and see how we do it, because we do it a bit better.

We have a system, but the bill will result in a more efficient classification system. It will enable the use of new technology to better manage the sheer volume of material that requires classification, which is a great step forward to make sure that unclassified material is not out there. As I said, parents need to be aware that this classification system is a huge step forward, but they cannot necessarily rely on that alone to make decisions about what their children are accessing on the internet. They still need to be wary of that, exercise their responsibilities and monitor particularly the online gaming chat streams that come through.

Finally, I just want to clarify that the coalition will not oppose this bill.

Mr EDBROOKE (Frankston) — I rise to speak on the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2015.

Mr J. Bull interjected.

Mr EDBROOKE — I thank the member for Sunbury. I want to make the connection that this bill is part of a suite of legislation about managing risk from the government that is going through the Parliament at the moment. Yesterday we heard that we are introducing new laws to Parliament that make it easier to prosecute and investigate online child pornography offences in Victoria, which I could not support more strongly. We are sending a clear message to the sick perverts out there who are committing child pornography offences that the internet is no longer an anonymous domain for their abhorrent crimes.

Things have changed. Easy access to the internet and advancing technology have made the sharing and distribution of this kind of terrible material more prevalent. A cursory look at the internet tells us that up to 7000 people at one time are accessing child abuse images in Australia, which is just terrifying. To counter this we are increasing the maximum penalty for possessing child pornography from 5 to 10 years and are introducing three new child pornography offences that make it an offence to administer child pornography websites, encourage use of a website that deals with child pornography or provide assistance to the people who do. Magistrates will be given the power to issue search warrants that allow police to direct a person to provide access to evidence as well. Along with the current bill we are debating, I think that is a great approach, and it is fantastic to see bipartisan support on these issues.

An honourable member interjected.

Mr EDBROOKE — I thank the member for his advice. You would have to be a duffer not to provide bipartisan support for the bill. I grew up in the days where we would play Monopoly, Scrabble, Jenga and even Uno, but times have changed. When you have children you realise that it is very hard to keep up with things today.

The main purpose of the bill is to amend the Victorian Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 consequent to amendments made to the commonwealth Classification (Publications, Films and Computer Games) Act 1995. The bill's purpose is to basically keep the two acts flowing together. In doing so the government is strengthening safeguards to protect minors from material that may harm them, which is most important. I have three beautiful children, and I would like to be able to make a clear, quick decision on what they are viewing, hearing or playing based on accurate classifications displayed on the product. The bill increases the availability of classifications on products for consumers like myself. We often talk about kids and coding; it is the future of jobs for our children. We are ensuring that kids can get the education they need in regard to coding, but we need to make sure that in this growing industry we are doing all we can to safeguard children from things that they do not need to see and from things that would constitute abuse.

The bill's consequential amendments will improve the operation of the national classification scheme (NCS), which is a cooperative arrangement between the commonwealth, the states and the territories, under which the Classification Board classifies films, computer games and certain publications. The scheme is designed to provide consumers with information about publications, films and computer games to allow them to make informed decisions about appropriate entertainment material.

To meet this challenge the commonwealth classification act was amended to enable the commonwealth Minister for Justice the ability to approve classification tools to classify certain content. It is anticipated that these classification tools, such as online questionnaires, might be developed by government, industry or other national classification bodies overseas. These tools will be capable of classifying content cheaply and quickly. In this day and age of online content, whether it be accessed on an iPhone with the thousands of apps available or at an EB Game shop, trying to figure out which game is suitable for your children, these tools could be valuable. They will enable producers of content that is currently sold and distributed unclassified to more easily comply with

classification legislation, and ensure that the NCS can effectively capture the large volume of unclassified online and mobile games currently available on the market.

The commonwealth government recently commenced a trial using the International Age Rating Coalition's online classification tool to classify mobile and online games. The use of classification tools will facilitate innovative and technology-based solutions in line with initiatives being considered by other national classification bodies dealing with the same classification difficulties as Australia. With these tools we are utilising some good technology to keep up with advances in technology.

A classification decision made by a classification tool is deemed to be a decision of the Classification Board straightaway, but it can also be revoked by the board. The board must reclassify the material if it has revoked the decision made using the classification tool. A number of provisions in the Victorian classification act which regulate the sale of publications, films or computer games currently allow for a period of grace, where a publication, film or computer game has either been reclassified or had its classification revoked by the board. The producer will now have up to 14 days to adjust the determined markings on the relevant product. Following a reclassification or revocation by the board, the games will be subject to a penalty after 14 days.

The bill will amend the Victorian classification act to provide for a similar period of grace where the board revokes a classification produced by a classification tool and classifies material with a different determined marking as provided under the commonwealth classification act. If we do go into our local EB Games shop with an issue about one of the games we have bought, we can use these online classification tools, or be in touch with people who understand them. If the classification on the game is unsuitable, the classification can be revoked through a proper system whereby the publisher has 14 days to make sure that happens.

There are exempt films and computer games. Currently producers of film or computer games, festival promoters or cultural institutions must apply to the director of the Classification Board for an exemption from the Victorian classification act to publicly exhibit unclassified films, computer games or certain publications at community festivals and other such events. The exhibition of an unclassified film in a public place or the demonstration of an unclassified computer game in a public place is an offence under the Victorian classification act.

The current exemption provisions are outdated, and this bill will change that. The exemption provisions were burdensome for film and computer games festival promoters and cultural institutions given the mandatory requirement to apply to the director for a formal exemption regardless of the size of the event or circumstances, or the type of film or computer game. The government is providing a bit of flexibility and streamlining to the exemption process to distinguish between various types of exemption applications. In addition the exemption requirements vary across classification legislation in the states and territories, and it would be good to see an alignment of those exemption requirements.

To address this issue the commonwealth classification act was amended to streamline the process and make exemption arrangements for festivals and cultural institutions by establishing a consolidated set of rules for exemptions in the commonwealth classification act — so it was just simplifying them. The commonwealth reforms seek to reduce the regulatory burden on festival organisers and cultural institutions by providing for a system of self-assessment with appropriate safeguards. We have already heard from members about how important it is to make sure we support the Melbourne Fringe Festival and some of the other festivals and events around Victoria and in some of our electorates. The Frankston electorate has a fantastic event at the moment called the Frankston Anywhere Festival, and there will be performances in late August and early September. It would be such a shame to see that event held up by burdensome classification rules that we can change. In conclusion, this is a common-sense bill, and I commend it to the house.

Mr SOUTHWICK (Caulfield) — It is my pleasure to rise to speak about the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2015. From the outset I say that the coalition will not be opposing the bill, which amends the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995. The bill covers a huge industry, which employs a lot of people in Victoria. In 2014 the industry generated \$2.46 billion, up 20 per cent from 2013, and the Interactive Games and Entertainment Association has noted a surge in sales and computer games in the sector. We are seeing huge growth in computer games and film and television, and in the way the information is being delivered. We have seen the sector evolve and with that there are great opportunities in terms of further investment. There is also a need for government to ensure that the right protections are in place for the community, but at the same time the industry should

not be overburdened so that it can be free to create more employment opportunities in the sector.

The crux of this bill is ensuring cooperation between the commonwealth and the states and achieving cohesion under the law in terms of the classification of both games and film. Today I want to spend my time talking about the importance of this sector and ensuring that there is opportunity for growth within it. The previous government was very focused on it. At that time responsibility fell in the portfolio areas of small business, innovation and tourism. Innovation was the key element because we were encouraging the film and gaming industries to come and invest here in Victoria and trying to attract the sorts of festivals and events that might encourage those industries to locate themselves in Victoria and look at collaborating and spinning off a whole lot of different opportunities.

This government has had the opportunity to grow this sector in a business-focused way, and it has been handballed to the Minister for Creative Industries. The previous Minister for Small Business, Innovation and Trade, Adem Somyurek, a member for South Eastern Metropolitan Region in the upper house, was stripped of the opportunity to grow it. One could ask why that was the case and whether the Premier considered that the minister lacked the capability to handle this important area. It needs serious investment, serious focus and a serious strategy to ensure that we are attracting jobs and industry to Victoria. This government was elected on a promise of jobs; employment was really the focus of the campaign that brought Labor to government. I cannot see a better way to deliver on that promise than to grow this industry, with the sorts of new jobs it is creating. We could have young people experimenting with coding and an investment in science, technology, engineering and mathematics in schools, and as a flow-on from that we would grow this industry, which can ultimately create its own opportunities.

The previous government committed more than \$4.5 million in funding to the games industry to support skills enhancement and product development. We supported 60 game projects in production worth more than \$9.8 million. We secured the world's premier games festival, the Penny Arcade Expo, for Melbourne in 2013, and in 2014 we secured it for a further four years. That was the first time the expo had been held outside the United States. It was a great coup for Victoria.

We provided ongoing support to the Game Developers Association of Australia, headquartered in Melbourne, including support for its annual Game Connect

Asia-Pacific conference. I had the opportunity of opening that conference and meeting a whole range of people. I was certainly overdressed in a suit; many were there in the traditional gaming attire of jeans and T-shirt. But there were some great brains in the room, and some great ideas were being spun off by those developers. We provided financial support for the establishment of the Australian Centre of Excellence for Digital Game Design, Innovation and Business Acceleration, known as the Arcade, in South Melbourne. We provided support for over 150 digital games companies to attend overseas trade shows through the Technology Trade and International Partnering program. We created a whole lot of prizes in schools to encourage investment.

It is clear that the previous government took this sector very seriously. We have heard a whole lot of talk about funds from this government, such as a \$20 million Start-Up Victoria fund. Unfortunately the name 'Start-Up Victoria' had already been registered by another company. That shows the amount of serious work that was done by this government — it did not even check to see if the name was registered. These sorts of things need more than an idea. They need serious investment. This is a serious industry, and it requires a strategy to ensure we are encouraging young people to enhance their creativity.

I have spoken largely on the gaming side, but there is also film and television. Melbourne hosts many film festivals. The St Kilda Film Festival, a showcase of short films, was recently held in my electorate, and some fantastic products came out of it. That is the sort of thing we are encouraging emerging talent to invest in. The bill also talks about the classification of cultural events, and I note that the AICE Israeli Film Festival has been very successful in my electorate. It runs across two venues, one a classic cinema and the other in Brighton, and both streams are very much about attracting investment, one locally and one internationally.

Great things are happening, and some great people are already working in this space, but it really needs focus from the current government. As I said earlier, the Premier has decided to task the Minister for Creative Industries with this important sector. I hope this government takes it seriously, because it is an area of opportunity and potential growth for Victoria. It is an area in which we can certainly stand out from the crowd in terms of some of the opportunities ahead. The things I have mentioned are good examples of that.

I note that this bill is really just bringing us in line with the federal government. We need to make sure we have

the sort of legislation that enables people to do business and create and develop opportunities. I will be watching to see what is offered up by the Labor Party and what its investment is going to be around jobs and growth in the areas of film and television and digital media. It is an exciting industry, and I hope the government is up to the task. It would be a real shame if the investment made by the previous government were frittered away and this opportunity were wasted.

Ms WARD (Eltham) — I am glad we have bipartisan support on this bill. It is pretty straightforward, and it simplifies the process. It simplifies our legislation and brings us in line with the commonwealth legislation, which was changed in 2014. As previous members have said, this bill frees up and enhances some of our creative industries, and it helps our industries expand on what they are already creating. As the member for Essendon said, it helps us with our film festivals and our arts community.

I was also interested in the contribution of the member for Caulfield regarding game development. This is an industry where there is real growth, where there is absolute potential, where jobs can be created, where skills can be enhanced and where there can be a real development of creative thought and creative processes. We live in an age when technology is so advanced that both kids and adults can access so many materials that can enhance and develop their creativity and skills, such as games, film and all sorts of different methods of communication and entertainment.

I was particularly interested in the real encouragement of this industry that was provided by the member for Caulfield. I hope that he, unlike the current Prime Minister, is encouraging of children learning how to code. Learning how to code is something that will be of great benefit to kids in primary school and in high school as they grow up in this new age we are living in. Members in this chamber have not been educated in the 21st century, as our kids are. Our kids are the ones who need to learn these new languages.

I hope the member for Caulfield agrees with me and other members on this side of the house about the Prime Minister's comments, which I will read shortly, on coding in response to a question from federal opposition leader Bill Shorten, who had asked if the Prime Minister would support coding. Given the member for Caulfield's encouragement of this industry, its growth and the creation jobs in it, I am sure he would think that the Prime Minister is not taking this issue as seriously as he should. I am sure that the member hopes the Prime Minister takes a different tone after thinking about this. The Prime Minister said:

Let us just understand exactly what the Leader of the Opposition has asked.

...

He says that he wants primary school kids to be taught coding so that they can get the jobs of the future. Does he want to send them all out to work at the age of 11? Is that what he wants to do? ... seriously ...

That is what the Prime Minister of this country said. That was his response to a serious question on supporting coding in schools — supporting incredibly important language development and skill development for our kids to give them the skills they will need to have in the future. We have seen today that we are not going further ahead with our NAPLAN scores and that we need to look at new ways of educating our kids. We need to expand what they are learning, and we need to try new techniques to engage our kids with school work, especially with science, technology, engineering and mathematics (STEM) subjects.

This came up at the education forum I held on Monday night with the Minister for Education. We had a great conversation. We had principals, we had school council presidents, we had teachers and we had parents. We had people who are really engaged with education, and we had a fantastic conversation around the need for STEM learning and the need to encourage our kids to learn, to be creative and to think of the different ways they can get jobs and utilise their skills. Coding is one of them. I encourage the member for Caulfield to speak to the Prime Minister with as much passion as he spoke about the need for jobs in gaming in this state and to get the Prime Minister on board with helping our kids learn how to code in primary and secondary schools.

Technology enables many learning opportunities, and it is important, when we talk about classification, that we recognise that it is important to share freely with appropriate and engaged audiences. This bill relates to that. We need to make sure that the material that is being distributed, whether it is at our festivals, in our cinemas or on our TV screens, is destined for an appropriate audience. Classification does have its place. It offers protection for minors from materials that they are not ready or able to process.

I am not a big fan of censorship. I am not someone who wants to shut things down. I am a fan, however, of the appropriate and respectful use of communication media. Adults have the opportunity to watch pretty much anything they want, and we are given ratings that help us identify what is for an adult and what is for a child. Classification offers a really important tool for us as a community to work out what is appropriate for whom.

I would like to talk about the video game *Grand Theft Auto*. I think it is a fantastic example of why classification is so incredibly important. I am not a big fan of this game and it is not a game I would particularly want to play, but I do not deny there are adults out there who would like to play it. What is important is that this game is given a classification — an R rating — because of the things that happen in this game. To quote remarks reported on the ABC News website:

It's a game that encourages players to murder women for entertainment. The incentive is to commit sexual violence against women, then abuse or kill them to proceed or get 'health' points ...

This report was about Target and Kmart banning the game. As members would assume, Target and Kmart have a very large number of family customers, with a lot of kids coming in and out of their stores. This is where ratings and classifications are important in enabling people to make educated decisions about what they show in their homes, what they see out in public places and also what is screened at festivals and so on in terms of appropriateness for the audience — for the people participating in such festivals.

Something else that has been said about *Grand Theft Auto* is that there are studies that show that games such as this can change behaviours. They can change the behaviour of children, who are not necessarily able to process the things that are going on. They can change the way children respond to things. Children can become more pumped up and more aggressive. Of most concern to me are the shifts that playing such games can bring about in how kids perceive women and the role of women in our society. Our government has done a really good, proactive thing in bringing about the Royal Commission into Family Violence.

We are taking this really seriously. I wish that games like *Grand Theft Auto* would also take the issue of violence against women seriously. I go back to the point that classifications are important. In this country, by creating an R rating for *Grand Theft Auto*, we have sent a message to the creators of that game that it is not appropriate to treat women in that way. Only adults are able to process and recognise, I hope, that in that game women are treated in an inappropriate way.

I do wish we had some classification system covering motor vehicles. Often when I am driving down the freeway or I am parking in a car lot with my kids I see a Wicked Campers vehicle. These camper vans drive me insane with their horrible, misogynistic messages. Over the holidays we took our kids to a theme park, and one of the vans was parked next to us. I have two young

girls and I do not want to explain to them the messages written on some of these vans. One Wicked Campers van has the message 'Behind every princess is a slut just waiting to get out'. When you have daughters who have watched the film *Frozen* and who look at Princess Elsa and the power behind Princess Elsa — —

Mr D. O'Brien interjected.

Ms WARD — Well, she is a princess! Girls are empowered by that movie. They love that character; they love her individuality and they love her strength. Then they see something like that written about princesses, and of course their question is, 'What is a slut?'. Who wants to explain that to their daughter? I do not, and I do not think there is anybody else in this place who wants to.

While we cannot classify those vans, we can protest about them and we can make consumer complaints about them. I know that this has happened many times in relation to these camper vans, because frankly they are sexist. They are outrageous and they are wrong.

Classification systems for our gaming and film industries are really important. It is good we are taking such a sensible approach to this and that we are allowing adults to have the freedom to choose. We are freeing up how we are processing this, we are freeing up how films or games are screened at festivals and so on, and we are giving people some flexibility around that. I am glad about that, but I am also glad that we have a classification system in place that helps us protect our kids from material they are not able to process and that they should not have to manage or deal with at an early age. I commend the bill to the house.

Mr D. O'BRIEN (Gippsland South) — It is a pleasure to follow the member for Eltham. Her contribution was quite interesting towards the end, and I agree with most of the comments she made about censorship and classification.

I will be brief in my contribution on this bill. It is not an area of expertise for me, and not one of great direct relevance to the electorate of Gippsland South. As has been mentioned, the coalition will not be opposing this bill. It is a relatively straightforward bill, which brings Victoria into line with changes that have been made at the commonwealth level, and in particular the changes that are coming forward with respect to classifications that have been driven by technology and the ability of classifications to be conducted by technology, online questionnaires and various other tools that can very quickly assess games, songs and films in the digital world. This will enable the growing array of games in

particular — I am thinking of apps and games that are available on smart phones, iPhones et cetera — to be classified quickly. That has some implication for what has previously, or up until now, been the 14-day grace period given to developers and distributors to change the markings on their relevant products. The bill will provide a common-sense extension of that 14-day grace period, and it will allow the industry to keep pace with changes that may occur as technology continues to improve the ways in which we can make classifications.

The members for Bayswater and Lowan made some good contributions with respect to festivals and exemptions for festivals — for example, film and computer game festivals — or other community events. Effectively this is a red tape reduction. It makes it easier for organisers of these festivals to win exemptions from classification for individual movies or games, but importantly there are safeguards. Where an event is registered under the commonwealth classification act and the specified conditions are met, there will be a conditional cultural exemption. But importantly there will be safeguards, and they require organisers to ensure that particular age groups are warned or excluded if necessary if the content is inappropriate for them, and it also ensures that anything likely to be in the X18+ or refused classification range will not be able to be shown. This makes things more straightforward and certainly a lot easier.

The final element of the bill is the change to what is known as the modification rule, which allows for very minor changes that might occur to a film or a game to not necessarily trigger a new classification. So if a producer is simply putting something like subtitles or captions on their film or game, there is no need for a new reclassification. That is good. It is common sense, and I think that is something that we need to see more of in our Parliament. People in the electorate regularly complain that we are regulating or legislating for the lowest common denominator, and so if we are talking about simple changes like this, if only simple changes have been made to a particular game or movie, then there is no need to go through the whole process again.

From my perspective, it is always good to remove regulation. I mentioned that I supported much of what the member for Eltham said. This area of classification or censorship in particular should always be done in moderation. We are a free and liberal democratic society, and we should allow adults to give informed consent. When I say ‘informed’, obviously the classification process helps that, but the key thing this Parliament needs to do in respect of this issue is ensure that children are protected. As I said, the member for

Eltham made some good points in that respect about why we need to ensure that children are protected and adults themselves can make their own decisions.

This bill is quite straightforward. It is an area of growth and an area where technology is galloping along. It is certainly a growing industry, as the member for Caulfield outlined, and it is one that holds benefits for Victoria. It is not a particularly big industry as yet in my electorate of Gippsland South, but the time may well come when it is. It is important that this industry is regulated well but with as light a touch as possible. I am pleased to draw my comments to a close and allow others to speak. As has been mentioned, the coalition is not going to oppose the bill.

Mr BROOKS (Bundoora) — It is a pleasure to join the debate on this very important piece of legislation. The bill before the house makes changes to the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995. As previous figures have mentioned, it makes a series of amendments to bring the Victorian legislation into line with the national legislation, which is the instrument under which the national classification scheme operates. Of course there is a cooperative arrangement between the states and the commonwealth in this area, and for obvious reasons it needs a national approach. These arrangements are obviously very worthy of support, and it is good to see that all members of this house who have spoken on this bill have spoken in support of these changes.

I will not go into detail on the changes, but they are important. It was great to hear the member for Eltham speak very eloquently about some of the really important aspects of a strong and fair classification scheme. What I want to focus on is not so much the importance of that scheme, because that is a given, but the area of media content of a whole range of media — videos, images — now available to the Australian community in their homes that sit almost entirely outside of the classification scheme. I understand the intent of the changes to the scheme are to capture more of that content. That is a good thing. An Australian Law Reform Commission report entitled, *Classification — Content Regulation and Convergent Media*, was the basis of these changes: The title of that report sends a very clear message that it was intended to look at how classification would work better in the era of convergent media. It is important to recognise, and the report recognises this, that people are accessing so much content that is not classified and people do not have the benefit of the protection of information about the material that they are either about to view or that their children are viewing.

For that reason I think it is important to go back to the very principles behind the reason for a classification system. Why do we have a classification system? If you go back to the 1984 report on the national scheme for classification of publications and videos, it sets out the principles for that scheme, and I think they remain. Even though the media has changed, the principles are still a good starting point for a debate around classification and media content. Those principles were that adults are entitled to read, hear and see what they wish in public and private; that people should not be exposed to unsolicited material offensive to them; and that children must be adequately protected from material likely to harm or disturb them.

Out of those three key areas the one that probably concerns me the most in the current media and technology environment is the last one: that children must be adequately protected from material likely to harm or disturb them. We now have access to things like YouTube, which has more than 1 billion users. Statistics it provides show that the number of hours that people watch YouTube per month is up 50 per cent year on year, so there is staggering growth in the time that people are watching videos online. Three hundred hours of video are uploaded every minute on YouTube and 60 per cent of the views of a video come from outside its home country. This is again a very clear indication that there is a problem around trying to classify a lot of material when the majority of videos uploaded are viewed by people in another country. You have this global movement of media content and there is really no way anymore that governments can control their classification or are able to provide information to people on each video or image. Also, half of YouTube videos are viewed on mobile devices.

That takes me to the point I raised earlier about children and protecting them from inappropriate material. Children now have access to material through mobile devices, online and in homes through wi-fi and it has become very difficult for parents to be able to safeguard their children, at a young age in particular, from inappropriate material. There is now a role not just for a classification system but for government, preferably at the national level, to take a leadership role in providing parents in particular with the information, knowledge and tools to better protect their children from inappropriate material. That might be through better information about how to apply settings to various applications; it might be about the sorts of filters that are available to help protect children from inappropriate material; or it might just be educating children and families in particular about safe ways to use the internet and different websites. The days when parents could completely control what their children were exposed to

are, I fear, gone, so it is very important that tools are provided to parents and that there is a government organisation that is able to help parents with that.

The obvious body to take up that role is the Australian Communications and Media Authority. It does some of that work but I think it needs to do a lot more. It needs to pick up this issue and run with it or I fear we will have many more children exposed to inappropriate, offensive, violent and explicit material. As I said before, the member for Eltham provided some great examples of why you do not want your children exposed to some of that material.

Unfortunately the Australian Communications and Media Authority is under greater stress than ever before. As opposed to having extra resources to provide better service to the Australian community, it has experienced funding cuts, like a lot of government agencies, by the federal Liberal government over the last few years — \$3.3 million over four years has been cut from the authority. It is also losing over 30 staff so it is very difficult for it to do the sort of work we would want it to do — providing people with better information about how to protect their children from the sort of material that can be found online.

As I said, this bill makes some great changes to the classification system. It is a worthy system and one that it is good to see all members of this house support, but there is a huge area that is left unclassified — a huge part of media consumption in people's homes in particular is left completely unclassified. I think it is important that people are made aware of how to better protect their children from some of the material they do not want them to see, so I commend this bill to the house.

Ms RICHARDSON (Minister for Women) — I am very pleased to have made it here to talk in support of the bill before the house, the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2015. This bill seeks to improve the operation of the national classification scheme and is based on cooperation between states and territories, designed to help consumers and parents in particular to be informed about publications, films and games. This will enable all of us, parents in particular, to make informed choices about the kind of material that we want to watch and we want our children to watch and the kind of material we want to avoid.

The amendments that are being made in the bill follow a report by the Australian Law Reform Commission entitled *Classification — Content Regulation and Convergent Media* that was tabled in the

commonwealth Parliament in March 2012. It contained 57 recommendations and six of those recommendations were agreed to by the classification ministers around Australia. Of these six recommendations, three require consequential amendments to Victorian legislation, specifically to broaden the scope of existing exempt film categories and amend the exemption arrangements for festivals and cultural institutions; to enable certain content to be classified using classification tools; and to expand the exceptions to the modifications rule so that films and computer games, which are subject to certain types of modifications, do not require classification again.

Clearly the classification of material is important to help consumers, and parents in particular, to get guidance about publications, films and games. It is done of course in the context of the very fast paced and improving technologies that happen around us and the global availability of media content. In short, we are trying to keep pace with what is happening around the world in this space. I welcome the federal government's moves to trial the use of the International Age Rating Coalition tool for classifying mobile and online games. Again this will help parents to be better informed about what their kids are choosing to download.

However, I take this opportunity to highlight what I believe to be another glaring gap which the federal government needs to act upon. It specifically concerns online advertising. I know that advertising is a self-regulated area, but with respect to online advertising, it has become a bit like the wild west with respect to the kinds of material that are appearing online. In particular the portrayal of women in online advertising is particularly disturbing and troubling to me as well as to a great many other engaged individuals and stakeholders. The Victorian Responsible Gambling Foundation has consistently raised concerns over how large gaming companies are choosing to advertise their product using some very demeaning, disturbing images and portrayals of women.

If we accept the notion that when it comes to films and games there is clearly a role for the federal government to play, then surely, given how damaging this kind of material is — and research tells us it clearly is damaging material — the federal government also has a role to play with respect to online advertising, because some of the material that has been brought to my attention clearly does not support the notion that women are portrayed in a respectful way. Some of the companies that are doing it are world renowned, but when it comes to online advertising they appear to believe there are no rules with respect to how women are portrayed. While I welcome the federal

government's moves in this space, I also encourage it to take up what I believe is an important responsibility in respect of online advertising and to apply the same principles that are being applied to gaming and films to online advertising, because things have got well and truly out of control with respect to what is happening online. I commend the bill to the house.

Debate adjourned on motion of Ms HENNESSY (Minister for Health).

Debate adjourned until later this day.

LOCAL GOVERNMENT LEGISLATION AMENDMENT (ENVIRONMENTAL UPGRADE AGREEMENTS) BILL 2015

Second reading

Debate resumed from 24 June; motion of Ms D'AMBROSIO (Minister for Energy and Resources).

Mr SOUTHWICK (Caulfield) — It is my pleasure to rise to speak on the Local Government Legislation Amendment (Environmental Upgrade Agreements) Bill 2015. I say at the outset that the opposition will be supporting the bill, and the reason we are supporting it is because it was our bill. There was an extensive amount of work that was done by the previous government on what fundamentally was, and is, a very good idea. The bill enables lenders of funds to provide loans for the upgrade of a building and recoup the money through the council via a property charge levied through the rates system. It amends the Local Government Act 1989 to enable all Victorian councils to enter into environmental upgrade agreements (EUA) instead of the agreements being confined to the City of Melbourne. This bill removes the provisions in the City of Melbourne Act 2011 as the City of Melbourne will now be covered by the amendments to the Local Government Act 1989.

The bill amends the Local Government Act of 1989 to enable Victorian councils to enter into EUAs to upgrade existing non-residential buildings on rateable land. These agreements can be used to fund works that improve the energy, water, environmental efficiency and sustainability of the building. The bill also provides a number of associated requirements for the environmental upgrade agreements, such as a requirement to notify existing mortgagees of the creation of an EUA. Under the bill councils are not required to offer EUAs. In this particular instance council is the vehicle to allow the EUAs to take place. Further, the council is not liable for an EUA loan; it is

merely the body that collects the repayments via a property charge levied through the rates system.

Under the environmental upgrade agreements, a lender provides finance to the building owner for the upgrades, and the local council collects the repayments in a property charge levied through the rate system. Council then passes on these payments to the lender, minus any administration costs. The mechanism provides a greater level of security for lenders because the EUA charges, similar to council rates, are a first charge on the land and take priority over all other mortgages, charges on and interest in the land. This allows lenders to offer more competitive loan terms to the business undertaking the upgrades.

The reason that the opposition is supporting the bill is because it was passed by the former Victorian coalition government in the Legislative Council at the end of 2014 — and the Minister for Planning, who is currently at the table, should take note, because he was questioning whose bill it was. Due to the state election we were not able to introduce it into this place.

There have been two minor changes which do not change the actual intent of the bill, so it would be quite unfair for us to then oppose the bill when all of the work was done by the former government. However, we do have some concerns and they are more around the implementation. I will be talking about those and I hope the government will consider them to ensure that the scheme is implemented fairly and that we get good take-up of the scheme through the various councils.

To put this matter into context, in 2011 the City of Melbourne introduced a scheme, which was effectively a trial, to encourage many of the owners of commercial non-residential buildings in the city to upgrade their buildings. The City of Melbourne has had a total of \$12.6 million in capital expenditure by building owners invested across five projects since 2011, so these five projects have allowed upgrades of a number of very good, substantial buildings in the city which, prior to the scheme being introduced, were lacking environmentally, particularly in the energy and sustainability area.

The projects involved money being lent to the building owner for the upgrades to occur, and as a result of the City of Melbourne scheme, since 2011 there have been energy bill savings of \$571 000 annually. That is an important point to note, because the opposition believes it is important to encourage the private sector to look at ways in which it can be more energy efficient, which will ultimately reduce its bills and lead to lower costs in transacting and doing business. This then allows the

private sector to be more competitive and employ more people, and this leads to more sustainable jobs and industries.

These are the sorts of projects we would like to encourage. I have the responsibility of being the shadow Minister for Energy and Resources, and also the shadow minister for renewables, and these sorts of projects in which we encourage businesses to take a positive approach to being more sustainable — and I know the Minister for Planning at the table is a big supporter of some of this — are very important. The member for Morwell, who was the former Minister for Energy and Resources, was also a strong supporter of these programs and was there when this bill was first introduced.

I take the opportunity of presenting to the house some of the upgrades the City of Melbourne has undertaken as a result of the fund, because it gives us an opportunity to look at examples that other councils could take on board when this new fund is in place. The bill provides councils throughout Victoria with the opportunity to offer up this scheme to business owners in their municipalities. Firstly, in a building at 460 Collins Street, a highly efficient PowerPax chiller was installed to replace the existing chiller to reduce energy use. A new controls system was installed to integrate with the new chiller and controllers were fitted to existing boxes in the air handling units to reduce energy consumption from the air-conditioning system. The retrofit of this 1930s art deco building was the first environmental upgrade agreement signed under the City of Melbourne's 1200 Building Program.

The project value was \$400 000. The building was first constructed in 1939. These are great buildings, but there were undoubtedly very different conditions in 1939 to those we have today. There are 10 floors in this building and 17 tenants, and the annual saving as a result of the \$400 000 worth of investment is \$11 000 annually on their energy bills, and 170 tonnes of CO₂. So this was an opportunity for it to upgrade the building to achieve more energy efficiency and ultimately to reduce its power bills.

Another building at 123 Queen Street had a new 380 kilowatt trigeneration system installed to generate electricity, heating and cooling. Occupancy sensors and double glazing have also been installed as part of the retrofit, and it is expected that the upgrade will lift the building's National Australian Built Environment Rating System (NABERS) rating from two stars to four stars. The 123 Queen Street agreement, signed by the City of Melbourne, the National Australia Bank, Low Carbon Australia Limited and the building owner, is the

first privately funded environmental upgrade agreement under the 1200 Buildings Program. The project value in this case was substantially more — \$1.3 million. The building was constructed in the 1960s. It has 15 floors and 12 tenants, and in this particular instance we have an annual saving of \$180 000 on energy bills, which is quite substantial when you think about it in terms of the project value. My maths is not bad on the fly, and that is about 11 per cent, which is a really good return when you think that a building owner makes an investment of \$1.3 million and is able to achieve savings of over 10 per cent on energy bills annually, and a saving of 2500 tonnes of CO₂ as well.

These projects make economic sense, and that is important to point out. If they make economic sense, and at the same time we can reduce carbon emissions, then we are onto a winner, and that is really what we should be signalling to industry and to the private sector — ‘Get on board because these sorts of opportunities really allow you to save on energy bills’.

The next building — which is just up the road from 460 Collins Street so they obviously saw what was happening at 460 — is at 470 Collins Street. It is a 15-storey office block in one of Melbourne’s most sought after business locations and is targeting an energy cost reduction of 30 per cent, made possible by the environmental upgrade agreements. A new cooling tower system will be installed along with two new efficient condensing boilers. A new building management system will also be installed to provide better management of energy consumption. This agreement was signed between the City of Melbourne, the National Australia Bank, Low Carbon Australia Limited and the building owner, and it is the second privately funded agreement under the 1200 Buildings Program.

The building owner, the Suleman Group — there you go, interesting — —

An honourable member interjected.

Mr SOUTHWICK — I will leave that alone. The project value was \$720 000, the year of construction of the building itself was 1970 and the number of floors is 15 — —

Honourable members interjecting.

Mr SOUTHWICK — I note that the government members are all aspiring to have business credentials. I hope they are able to not only talk up their business credentials but actually implement them when they look at introducing this because the proof is in the pudding. With just about every major project the

government has had a crack at, it has ruptured the crack and failed. Everything it has had a go at, from myki to the desalination plant and the north–south pipeline, has failed dismally. I welcome the government members talking up their business credentials, but let them not just talk about it. Let us not have this government just talk about its business credentials; let us see the government actually do something and deliver one project.

On this side of the house we will be happy if, over the next four years, the government delivers a project that is on time and on budget and fulfils what it is intended to do. We will be watching, and we hope it will be able to deliver what it seeks to deliver. The proof will be in the pudding for the port of Melbourne, Melbourne’s rail link and all those interesting projects. We look forward to those, and hopefully we will see the Labor Party, for once in its life, actually deliver a project successfully.

Let us get back to EUAs because I know the planning minister is excited about them. He was excited about our initial proposal, and he knew we were onto a good thing when we introduced this idea. The second bit of legislation that has been introduced in my area has been from ideas when we were previously in government, so I look forward to standing up here one day and talking about one of the Labor Party’s ideas. I am sure that will happen eventually because they will run out of using our ideas, but we will wait. Let us move on because I want to talk about some of the concerns we have.

Before I move on to that, there are a couple of other projects I want to mention. The 501 Swanston Street building, which has 10 tenants, has introduced \$2.5 million for tillers, boilers and a solar farm for windows, and it has had \$80 000 worth of savings. It is not quite the return on investment that the other projects have been, but we look forward to seeing where that goes. The Kings Business Park precinct, which is 80–100 Dorcas Street and 99–111 Coventry Street, South Melbourne, has a project value of \$3.2 million with 57 tenants, and it has had \$257 000 worth of savings, so that was more successful. Those have been good projects. I have had the Lord Mayor of Melbourne, Robert Doyle, write to me to talk up this particular scheme and say how successful it has been — and he thanked the former government for the work it did.

Let me share some of the concerns we have in terms of the implementation. In the remaining minutes I have, it is important to ensure that we on this side show our support for this initiative, which was ours. However, it is now down to the implementation, and it is very important that the government address some of the

concerns. They are concerns that both the Municipal Association of Victoria and Local Government Professionals have shared with us in terms of the local municipal bodies that are responsible for looking after their members. They have raised a few things that the government should be looking at in terms of the implementation.

Firstly, regarding the resourcing of the changes and the additional work and administration involved in councils administering the scheme, I note that we have a proposal to freeze capping rates. In terms of requiring councils to do a bit more work, we hope that does not impinge on them as a result.

Regarding the compliance issues, is the EUA a separate bill or invoice or a charge on the rate notice? These are some of the concerns the councils have. Is it the intent to levy the charge for a fixed period, say 5 or 10 years, with annual repayments? Is there a finite time limit? Does the definition of a lending body need more rigour or tightening? Who makes the decision that the section 181A has been satisfied? Who makes the decision that the property is being used for a non-residential purpose, and what does that mean? If in a particular municipality there is a farm and that farm wishes to take up some of these EUAs, does that restricted classification of non-residential allow that farm to participate in the scheme? In relation to section 181B, regarding the occupiers or tenants, how would the charge be broken down as to who contributes what? What happens if the occupier vacates the property? In the bill there is talk about the local government authority not being out of pocket for this and being the first to be able to recover its investment, but those are just some of the things that need to be worked out.

Section 181B(d) stops the council entering into an agreement if the charges exceed the capital improved value (CIV). What happens if the payments, including rate payments, stop and the charges build up over time and exceed the CIV? Some of the suggestions that have been made are that it should be made clear that council rates and charges take priority over EUAs in the instance of default and that the lender cannot require the council to sell the property or take legal action to recover its money. I understand that councils are the first in line in terms of recovery, but to what extent does that take place? You would hope, particularly if it is not a huge sum, that a building would not be sold from under an organisation without some of these sorts of issues being worked through.

New section 181D seems quite onerous, especially subsection (2)(c). How would councils be aware of

what interest has accrued to the lender? What would councils do about interest rate changes in the interest rate declared by councils?

New section 181E provides that a council must use its best endeavours to recover an environmental upgrade charge. What does that entail in respect of a council's endeavours? It should be made clear in the legislation that if costs are incurred for debt collection that will be added to the amount owed under the environmental upgrade agreement (EUA). They are just some concerns; the opposition has others. As I said, councils broadly support this measure. Obviously the City of Melbourne has had some great success with this scheme. Some councils would like to see the EUAs expanded to include all buildings, including private residences. At the moment that is not possible, but it has certainly been raised with me.

Councils are concerned that all the risks and administration costs of pending EUAs may fall to them. I know that every endeavour has been made to try to not make that happen but councils are still concerned about it. The Municipal Association of Victoria and councils have expressed concern that the administrative costs of EUAs are likely to be high, and in the rate-constrained environment they are prohibitive for all but a few metropolitan councils. Again, that is the issue with allowing some of the rural and regional councils to participate in the scheme. Some of the metropolitan councils might possibly find it easier to participate, but how do we encourage some of the rural and regional councils and the owners of some buildings to take up the scheme?

There is little efficiency and significant duplication with individual councils each being able to administer and market the program. Again, we are talking about a scheme that could be opened up and offered to all councils, as is the intent of the bill. If we are to open it to all councils, what does that mean for how councils can promote this across the board? If a building owner has a number of buildings in different municipalities, there might be an opportunity to leverage but how can we ensure that information is shared across the municipalities?

I gave the example of the Kings Business Park, which was at 80–100 Dorcas Street and 99–111 Coventry Street. Those two separate buildings owned by the Asian Pacific Group participated as one scheme, as the group was allowed a dual-site opportunity by the City of Melbourne. If there are opportunities when the scheme applies right across the local government authorities, how can we get leverage from that as part of the promotion and uptake of the scheme?

If the state wants the EUAs to become common, the government will need to look at funding a centralised administrative body similar to the Sustainable Melbourne Fund to run and market this program. That suggestion was made by councils. At the moment we are finding that councils are really concerned about rate capping and that a lot of this stuff will be passed over to them to administer. I know that as part of the collection of the charges there will be an administration fund, but if the scheme is to be promoted there would be concern about whether cost of the promotion of the scheme would be covered as part of the administration costs of the scheme.

Even with the Sustainable Melbourne Fund, the City of Melbourne saw limited uptake of the EUAs. The success and limitations of that program should be analysed and fed into the statewide policy framework. There is bipartisan support for environmental uptake agreements so that there are important valuable business upgrades of buildings to ensure we get some energy efficiency and environmental sustainability, which is great. It is important that it does not stop just there. It will be interesting to see how the government assists municipal councils and local government authorities to help with the promotion and uptake of this scheme. We on this side will be watching, given some of the policy and investment that is coming through.

The government has announced a New Energy Jobs Fund of \$200 million-odd. I would have thought that that was a great opportunity to look at some of this sort of stuff. We will be looking to see what will be invested to ensure that we get the sort of uptake we need. As I said, in the last week there has been lots of talk about rural and regional areas. Suggestions have been made by government members that there will be another \$200 million — they like that number — for an agricultural fund, subject to the sale of the port of Melbourne.

This scheme of environmental upgrades is another example of what happens. You can see people in the city taking it up just like that, but we cannot forget our rural and regional friends; we need to ensure that they get a fair go as well. I am keen to see what the government will do to ensure that there is support from and uptake of this scheme by local councils in rural and regional areas. Frankly, many of those councils are struggling and many of them have huge electricity bills. Earlier I mentioned the farming community. I am sure some of the people in those businesses would welcome the opportunity to upgrade their premises. People in the dairy industry are big users of power, and they would welcome the opportunity to upgrade their plant and

equipment to ensure that they get greater energy efficiency. Ultimately we need to be able to use councils to free up some money so that that sort of thing can be undertaken.

If it is done properly, there is a real opportunity here in terms of energy efficiency, sustainability, jobs and growth. When we were in government, we on this side saw that when we were trialling the scheme with the City of Melbourne. We opened this up in 2014 by introducing a bill in the upper house. It is a pity that we are not still in government to see it through.

Mr Wynne interjected.

Mr SOUTHWICK — The Minister for Planning agrees with me on that.

Mr Wynne — He does not!

Mr SOUTHWICK — I think he would also agree that this is good policy. It is good policy but it is all about the implementation. I know that the Minister for Planning would like to give me an extension of time, but I will not need that. It is important that we get this right. Far too many times we have seen this government coming up with an idea, or stealing one, but not being very good at implementing it. We on this side will be looking forward to the implementation of this measure.

Mr Nardella interjected.

Mr SOUTHWICK — I am sure that the member for Melton, who is interjecting, agrees with his local council. I am sure that the municipal authorities will want to work with this government. I hope that members of the government take the time to talk to their local councils to find out what can be done. We look forward to seeing how much money the government will invest in those councils — that is, how much money will be invested in the scheme to ensure that we get uptake of it — that it is not just about talk but that there is actually some implementation.

Mr WYNNE (Minister for Planning) — I rise to make a contribution to debate on the Local Government Legislation Amendment (Environmental Upgrade Agreements) Bill 2015. I have listened carefully to the member for Caulfield's contribution, for which he used his full 30-minute entitlement, and I have to say: what an extraordinary attempt at revisionism it was. The member for Caulfield claims that this very important initiative was an initiative of the former Liberal government. That is simply not the case; it is untrue. This was an initiative of the former Labor government. At the time I had the honour of being the Minister for Local Government. Let the record show that the

member for Caulfield in his contribution was wrong, and that in fact the initial bill, the City of Melbourne bill, was in fact not only a Labor initiative, but I introduced the bill and it was passed by the house.

For the member for Caulfield to try in this lame way to make some claim that this important policy initiative was an initiative of the former Liberal-Nationals coalition is simply wrong. The member also claims that the architecture of the bill we have before us was again put into the Parliament by the previous government. It is correct that it was passed by the upper house during the term of the previous government, but it languished in the lower house literally for months.

Mr Southwick — It was introduced late in 2014.

Mr WYNNE — The member for Caulfield says that that is rubbish. In fact the bill sat in this house, and we were ready to debate it. I approached the then Minister for Local Government and said that we would be happy to debate this bill any time the government was ready. I said that we could truncate the number of speakers, because we believed the bill was very important. We believed it was very important that we extend the scope of this important initiative — again, I reiterate it was a Labor government initiative — across the broader local government sector, including the Municipal Association of Victoria (MAV) and the Victorian Local Governance Association (VLGA), as the peak bodies for local government.

Mr Southwick — Have you actually spoken to them?

Mr WYNNE — The member for Caulfield is asking me if I have spoken to the MAV. Have I spoken to the MAV? I wonder whether that was Rob Spence who was in my office yesterday. I think he is the CEO of the MAV, as I recall! Do I have any standing in the local government sector? A little bit. I have a little bit of form there.

Mr Nardella — The Right Honourable!

Mr WYNNE — Indeed, as my colleague says, the Right Honourable. I think I might reassume that title.

Honourable members interjecting.

Mr WYNNE — How regal of me! But the important point is this: it is a terrific initiative, and it is a Labor government initiative.

The environmental upgrade agreements are council-based financing mechanisms that enable businesses to better access finances for particularly

important climate change initiatives, like energy, water and waste reduction upgrades. Specifically they are for non-residential buildings. The rollout of the program has been particularly successful at the City of Melbourne. I acknowledge the Lord Mayor, the Right Honourable Lord Mayor — Robert Doyle, who has been — —

Mr Nardella — The best opposition leader we've never had!

Mr WYNNE — Thank you very much. Robert has been a passionate advocate for this program, not merely within the City of Melbourne, but he has also sought further support for the rollout of this program right across local government.

As the member for Caulfield indicated, under an environmental upgrade agreement a lender provides the finance to a building owner and the local council collects repayments through the rates system. The council then passes the property charge on to the lender. It is a very elegant and simple way of garnering both the support of local government and obviously business to engage in energy efficiency opportunities.

It is good for business because it lowers cost to it, and it is good for the environment. It is a win-win for both parties. It is in that context that I think the elegance of the scheme is revealed: you have the backing of local government in effect as the party that provides a very important level of comfort to the lender. The lender in this context has come in the form of very significant lending by major financial institutions, including the ANZ bank, which funded the program in New South Wales, and indeed other financial institutions. They know that when there is long-term low interest lending for this particular initiative there is the backing in the first instance of a strong legislative framework and also the backing of the City of Melbourne itself as an entity. I know when this program rolls out across local government more generally there is going to be a very significant uptake of this initiative going forward.

The member for Caulfield suggested that there were some concerns about how this program would roll out. I know that the Minister for Local Government has had extensive consultation with local government, particularly with the MAV and the VLGA, where she enjoys a very strong relationship with respect to this program. One issue that the member for Caulfield asked about is the question of resourcing. It is a very simple proposition: it is an opt-in system. You opt in if you want.

Mr Southwick — You have to find out about it first. You have to know it exists. You have to promote it. How does one promote it? How does one know that it exists?

Mr WYNNE — Heaven's above! The member for Caulfield is the opposition spokesperson on local government, is he? No, of course he is not. How would you know about it? That is why you have peak bodies called the MAV and VLGA, and do you not reckon they will be pushing this program out through the various avenues they have available to them and through their conferences?

Mr Southwick — You obviously have not spoken to Rob Spence.

Mr WYNNE — It must have been someone else I spoke to yesterday. Was this another Rob Spence who turned up yesterday? Does he have a brother called Rob Spence? Unbelievable!

There are innumerable opportunities for local governments to learn about this program. From my lengthy experience in local government, I know there is a huge appetite for local governments to want to take up these initiatives. I know the member for Ivanhoe in his contribution is going to talk about other initiatives where local government has led the way, particularly around energy efficient street lighting and the amazing work that local government has done in recycling. Local governments have led the way in standing up and being responsible citizens in relation to climate change. This is simply another opportunity for local governments. I know they will take this up with alacrity, because it is a terrific scheme that brings significant benefits particularly to the businesses that take it up but with very significant environmental impacts as well.

There is a certain irony in the opposition talking to us and lecturing us about environmental matters.

Mr Southwick interjected.

Mr WYNNE — The member for Caulfield says, 'You can't help yourself'. He spent 10 minutes slagging us off about various major projects that we undertook. The simple thing is this: the current federal government's position in relation to wind is simply a disgrace. For it to try to drive out of this state such an important industry as wind as an alternative source of power supply to this state means the opposition has no credibility when it comes to the environmental argument — no credibility whatsoever. The alternative federal government's recent announcements have been

magnificent when talking about alternative energy propositions in this state.

Mr McCURDY (Ovens Valley) — I am delighted to rise to make a brief contribution to debate on the Local Government Legislation Amendment (Environmental Upgrade Agreements) Bill 2015. I am pleased the minister's diatribe has ended. We will try to get a bit of fact into the debate here.

As the member for Caulfield suggested, we are supporting the bill. The primary objective of this bill is about amending the Local Government Act 1989. That will allow Victorian councils to provide environmental upgrade agreements — EUAs, as they are currently known — because at the moment only the City of Melbourne can enable these agreements. This legislation will relevantly empower all councils in Victoria, and this bill will remove the provisions in the City of Melbourne Amendment Act 2011. It is covered by the amendments to the Local Government Act 1989 as well.

An EUA can be used to fund works that improve energy, water or environmental efficiency or sustainability in upgrading existing non-residential buildings on rateable land. In particular I know that the Rural City of Wangaratta, the Moira Shire Council and Alpine Shire Council — that is, the three local councils we have in the Ovens Valley — are very supportive of this. It provides significant wins for them. Under this legislation councils will not be required to offer environmental upgrade agreements; it just gives them the power to do so. Importantly, what we are doing is empowering councils or local government authorities to be able to do that.

More importantly councils will not be liable for the environmental upgrade agreement loans. They will really just be the conduit and collect repayments via levies and rates. This legislation provides a number of associated requirements for environmental upgrade agreements and the need to notify existing mortgages when creating an EUA. As I say, the local government authorities in my electorate — that is, the Rural City of Wangaratta, Moira Shire Council and Alpine Shire Council — will be beneficiaries.

I turn to look at somewhere like the Alpine Shire Council, which is an absolute leader in rural shires in terms of having a very low rate base. It looks for opportunities wherever it can. Its rateable increase was only 2.9 per cent, which is quite noteworthy given what has been happening in other councils. It has taken that challenge on before rate capping is imposed on it. It has been very proactive in that space.

As we head towards the 2016 council elections, this will be an obstacle that we no longer have to address. Sustainable projects are important to us all, and this bill goes a long way to ensuring that they will be undertaken. The mechanisms provide a greater level of security for lenders because, similar to council rates, the EAU charges are a first charge on the land. That takes priority over all other mortgages, charges and interest on the land. That allows the lender to offer more competitive loan terms to businesses undertaking those upgrades. As we know, money is getting tighter and tougher to get, particularly in the investment sector. This will give a lot more confidence to this sector.

In the City of Melbourne a total of \$12.6 million in capital expenditure by building owners has been invested across five projects since 2011. These projects have combined annual energy bill savings of \$571 000, so it is quite significant over that three or four-year period. The bill was passed — as we heard when the debate went on between the member for Caulfield and member for Richmond — by the former Victorian coalition government. The bill did not make it any further than that due to the election, but a couple of minor changes have been made to the bill we passed in this place. The City of Melbourne was consulted and confirmed that it will not create any problems for its existing EUA scheme, and the MAV supports the Plan Melbourne commitment, so it is a supporter as well.

In conclusion, the bill provides important investment and sustainability opportunities for councils. Regional councils in particular do not have the rate base of the metropolitan councils, and they look for any opportunity to get a leg up and move forward. With those brief remarks, I commend the bill to the house.

Mr CARBINES (Ivanhoe) — I am pleased to make a contribution to the debate on the Local Government Legislation Amendment (Environmental Upgrade Agreements) Bill 2015. It is interesting to hear former government members making light of the fact that they introduced the bill to the Parliament, but of course the legislation lapsed. If you do not believe in climate change, you certainly do not profess to be able to believe in the sorts of advantages that local government can gain from implementing and having access to these environmental sustainability loans to drive improvements in their communities. The previous government let the bill lapse largely because it was not interested. If you do not believe in climate change, you do not really believe in this bill, and it has taken a Labor government to bring the bill before the house and to make sure it has stakeholders' full support to proceed.

I will talk in broad terms about energy efficiencies and savings and what the previous government did in relation to these matters. I pick up the comments made by the opposition's lead spokesperson, the member for Caulfield, in relation to its record on environmental sustainability and energy savings and costs. Under the previous government the disconnection rates increased, wrongful disconnection rates doubled, average debt upon entry into hardship programs surged and affordability cases considered by the Energy and Water Ombudsman Victoria absolutely rocketed. That was the record of the previous government.

There was a contribution from a member about the Municipal Association of Victoria (MAV) and its CEO, Mr Spence, and this government's engagement with the MAV. I will touch on another program of the previous government in relation to energy efficiency and dealing with local government and explain why the Andrews Labor government is absolutely committed in its consultation processes to seeking the support of organisations like the MAV in relation to how the environmental upgrade agreements program works. A MAV members' brief in relation to the 2012–13 Victorian budget states:

On the negative side, the government's —

that is, the previous Liberal government —

decision to cut the green light program will significantly reduce the capacity of councils to transition to more efficient street lighting and breaches a key election commitment.

I draw the attention of the house to that statement, because the member for Caulfield raised concerns about the government's level of commitment to these environmental upgrade agreements. The previous government let this legislation lapse. A Labor government has brought it back to the house, improved it and is making sure it will become law through its advocacy in government to support local governments to pick up on the advantages the City of Melbourne has benefited from because of its access to the environmental upgrade agreements. Through accessing this program, the City of Melbourne has initiated seven projects, with energy bill savings of \$571 000 per annum to businesses in the city of Melbourne. The previous government refused to expand the program for other local governments to access. It refused to make available those savings to businesses across Victoria by advocating and pursuing this legislation when it was previously before the house. The previous government's record on these matters is clear.

Returning to the MAV members brief and the \$20 million green light program, the brief states that the 2012–13 budget indicated that:

... the program has been reduced, rather than abolished, although it is understood that there will be no additional funding allocations made unless it is renewed in a future budget.

I recall the then Minister for Local Government, Jeannette Powell, the former member for Shepparton, backtracking on providing up to \$20 million for sustainable lighting for local governments to reduce the cost to ratepayers of running street lighting. The former government walked away from an election commitment, just as it did with this legislation when it walked away from delivering it to the Parliament and the people of Victoria in order to expand opportunities for local government.

As a former local government councillor, I know and understand the value of local governments being able to work with state governments on environmental sustainability matters. If you want to drive improvements in environmental sustainability in Victoria and put extra expectations on local government, then you need to give them the tools, support and incentives to deliver those programs in their communities. You need to ensure there is value for them, particularly given a number of other commitments this government has made. You want to make sure you are supporting local government to advocate on behalf of their communities for some investment and for support and that there is going to be a return to ratepayers and on investments in relation to how these programs work.

The cut to the green light program is a good example of the previous government's lack of support for environmental sustainability measures and its lack of sincerity in delivering on election commitments to local government. The statement from the member for Caulfield that an Andrews Labor government may not be able to deliver on its election commitments on how this legislation will roll out is false; it does not bear scrutiny when you look at the record of the previous government.

I again direct members to 2012–13 budget paper 3, page 361, which makes it clear that the performance measures of the previous government were removed in relation to the street lighting program. Those targets were abolished because the government was not choosing to maintain a \$20 million program that had been an election commitment, one of many election commitments on which the previous government did not deliver. Again it goes to the heart of the previous

government's desire not to meet commitments around climate change and environmental sustainability and to local governments to make it easier for them to advocate and deliver change in local communities that would improve the environment but also improve the bottom line of local businesses.

The government has received correspondence from Robert Doyle, the Lord Mayor of the City of Melbourne. He indicated his support for the bill when he said:

Environmental Upgrade Agreements give local governments the ability to assist their ratepayers to realistically improve the environmental performance of non-residential buildings.

We should always be looking for opportunities — and local government is at the coalface around planning approvals — to drive best practice and neighbourhood character, and also in relation to how we embed environmental sustainability in design and architecture in the community. The Minister for Planning has been a long-term advocate on these matters and made a very good contribution in relation to the record of Labor governments in time and again empowering local governments to deliver on these changes in the community and respecting their role as a third tier of government.

We know there are fiscal constraints but we need to provide incentives for local government so that they can drive that change. It is one thing to put the onus on them, but here was a program that was denied to local government because the previous Napthine government chose not to pursue the legislation when it was before the Parliament. It was left to lapse because the coalition is not committed to addressing climate change or environmental sustainability or to empowering local government to deliver those on the ground with local communities.

In conclusion, I note that a number of stakeholders support the EUAs, not only the MAV, which I have talked about. They include the Property Council of Australia; the Green Building Council of Australia; financiers such as the National Australia Bank, the ANZ and bankmecu; the Clean Energy Finance Corporation, which is already under attack from those opposite; the Sustainable Melbourne Fund; and the New South Wales and South Australian governments. We know the South Australian government has become a great beneficiary of the previous Liberal government in Victoria walking away from wind farms and wind energy in Victoria. We have seen massive investment in South Australia's wind farms and wind energy that has been lost to Victoria in recent years because of the practices and planning policies of the previous Baillieu

and Napthine governments. We are turning that around in Victoria. We are reclaiming that investment. We are making it clear that Victoria is open for business and that it wants to have investment in wind farms, clean energy and jobs. This legislation is playing a small part in making sure that as many areas of local government as possible are given an opportunity to access supports for local businesses.

Green is clean, but it is also cheap. It provides an economic return and a benefit. That is the message this legislation makes very clear. It is about jobs for the future — jobs that are sustainable and not only for the environment. The previous government consistently walked away from this and left investment lagging in Victoria. The Andrews Labor government is working assiduously every day to bring that investment back to the state, to make those connections and to make a green and sustainable community and economy in Victoria.

Ms SANDELL (Melbourne) — It will be no surprise to anyone that the Greens are very happy to support this bill, the Local Government Legislation Amendment (Environmental Upgrade Agreements) Bill 2015. The bill, as others have said, extends the successful environmental upgrade agreement scheme currently in place in the city of Melbourne to all councils across the state. I want to start by thanking the staff and councillors of the City of Melbourne, in particular Cr Leppert and Cr Oke, for the great work they have done in sustainability over the last few years. I know that the City of Melbourne has been a real leader in this space in a number of ways.

It is good to see that this environmental upgrade agreement scheme can now be rolled out in other councils, enabling third-party financiers to provide loans for owners of non-residential buildings for sustainability, environmental and energy-efficiency upgrades that will then be repaid through council rates. This is exactly the kind of innovative financing mechanism we should be looking at to support renewable energy and energy efficiency and to help us deal with climate change. It obviously has great benefits for tenants in terms of savings on their bills. The security in the rate system means that it is easier to secure finance for these programs and upgrades. It is good for the environment and good in terms of our response to climate change.

Non-residential buildings are a good place to start applying the successful City of Melbourne scheme, but we also need to be looking at mechanisms that support individuals and families to upgrade their homes — their residential buildings. I am hoping this bill is just the

start of the government's initiatives in terms of energy efficiency. We could look at things like three-way contracts for energy efficiency and retrofits for housing. I think the Greens' Victorian solar bank idea, combined with a Victorian renewable energy target, could really drive the rollout of renewable energy across Victoria, from small-scale solar photovoltaic systems through to big, transformative projects like wind farms and solar thermal plants.

We need to acknowledge that the single biggest source of our emissions is our brown coal-fired generators, particularly Australia's dirtiest, Hazelwood, which is located in Victoria. Under this bill energy efficiency and sustainability upgrades will lead to a further decrease in demand for electricity in this state, which will lead to more oversupply of energy in our grid and in our market. I am hoping this will be further incentive for the government to implement a proper community transition plan for the Latrobe Valley and to replace our dirtiest power stations.

As we know, Hazelwood is already obsolete. There is already five times more power than Hazelwood produces oversupplied in our grid. What happens when councils and buildings start to reduce their energy needs? It is a really good thing, but when energy use decreases, we see more oversupply, which means that there is too much energy in the grid. That leads to adverse impacts in the market, but it also means that we can switch off dirty power plants like Hazelwood much more easily, provided we have a proper community transition plan in place.

As energy is oversupplied, we will see falling electricity prices. There is every chance that the owners of plants like Hazelwood will simply walk away from an unprofitable and degraded asset. If there were an accident at the plant — and we are seeing neglect in the maintenance of the plants at the moment — it may not be worth repairing, and the owners may simply walk away, leaving the people of the Latrobe Valley and the taxpayers of Victoria to clean up the mess. The people of the Latrobe Valley will be living in a really dangerous place with a huge hole in the ground that is prone to fire and pollution.

While it is great that we are seeing initiatives from this government to reduce energy use, and that is absolutely what we need, these need to be coupled with switching off and replacing our dirtiest coal-fired generators; otherwise we are going to see adverse impacts in the electricity market. Those impacts will be felt most keenly by the people of the Latrobe Valley, who live near those coal-producing plants and mines. That is something the Greens do not want to see.

We commend the government on introducing this bill, and we are really happy to vote for it, but we hope it is only the start of energy-efficiency measures from this government and the start of a move towards actually dealing with climate change in this state, which the previous government had absolutely no desire to do. That really needs to start with replacing Hazelwood.

Ms WILLIAMS (Dandenong) — It is my pleasure to rise in support of the Local Government Legislation Amendment (Environmental Upgrade Agreements) Bill 2015. This bill is essentially about helping commercial building owners to finance energy-efficiency retrofits. The measures put forward in this bill have been available in the city of Melbourne since 2011, as we have heard, and they have been incredibly successful, delivering substantial savings to local businesses. The bill before us today allows us to expand the scheme to all local councils so we can expand these benefits across the Victorian community.

The Andrews Labor government is committed to making Victoria a leader in energy efficiency. I know that that was also a priority of the Bracks and Brumby Labor governments because I had the pleasure of working for them. They enjoyed a proud record of promoting clean energy and energy efficiency, creating thousands of jobs in the process, and made Victoria a national leader. Sadly the previous government eroded this leadership and took us back in time, as conservatives do, in so many ways. The Minister for Energy and Resources is a passionate advocate for transitioning Victoria to an energy-efficient, low-emissions economy, as indeed are all our ministers. Her dedication to this cause will ensure Victoria regains its reputation as a forward-thinking, environmentally conscious state that genuinely strives to reduce energy costs for consumers by facilitating cost savings.

Improving the efficiency of Victoria's infrastructure is an important part of this equation. This bill facilitates the improvement of the energy efficiency of non-residential buildings in particular. It will allow the commercial sector to reduce ongoing costs and improve building value, which are important factors in a thriving business, as we all know. The broader benefits are important too. The bill will help us reduce greenhouse gas emissions — and we know that commercial buildings account for about 10 per cent of Australia's total greenhouse emissions, so a reduction here is not insignificant for our overall efforts.

How does the bill work? Essentially it allows all councils to offer environmental upgrade agreements (EUAs). An EUA is a council-based financing mechanism that enables businesses to more effectively

access finance for energy, water or waste reduction upgrades. In terms of the mechanics, under the agreements a lender provides finance to a building owner and the local council collect repayments through the rates system. The council then passes the property charge on to the lender. The significance of using the rate system is that the EUA loan is prioritised over other debts attached to the land, which gives lenders more security. This allows lenders the flexibility to offer longer term loans at more affordable rates. The EUAs only apply to the upgrade of existing non-residential buildings on rateable land — that is, land other than Crown land; land owned by a minister, a council or a public statutory body; land used for public, charitable, religious or mining purposes; and land held in trust for memorial of war veterans. The sorts of retrofitting these agreements would allow include improving water efficiency, installing on-site generation, measures that reduce pollution or waste and improving efficiency in the use of materials, all of which I think we would agree are positive steps.

This bill differs slightly from the provisions in the City of Melbourne Act 2001, which governed the original scheme in the City of Melbourne. The main difference is that the bill before us today includes strengthened provisions around council liability and also contains a guideline-making power for the Minister for Energy and Resources. Matters such guidelines could provide for include the works that may be covered under an EUA or matters for councils to consider before deciding to offer EUAs, or the guidelines might model environmental upgrade provisions or address public reporting by councils.

As we have heard, the bill is similar to a bill put forward by the previous government last year, a bill that we supported but that did not pass prior to the election. It languished and therefore lapsed. As we have heard from the Minister for Planning, who was a Minister for Local Government in a previous Labor government, the initiatives put forward in this bill have Labor origins that predate the work of the former — conservative — government. There are some differences between this bill and the coalition government's bill pertaining especially to situations where tenants may be liable to pay charges under an EUA. The original City of Melbourne Act could be interpreted as requiring all tenants to agree to charges unless the building owner took sole responsibility. This does not reflect the reality, as some tenants may be subject to a charge with their consent while others may not be subject to a charge at all.

This bill does not make the provision of EUAs by councils compulsory; it merely leaves it open to them.

It is for councils to decide whether this scheme would work for them, and I hope most councils would embrace the spirit of energy efficiency and the savings it would bring to business. This is a sensible bill that facilitates important environmental outcomes as well as cost savings for business. It is fitting that this government should pass a bill that addresses affordability issues, especially after four years of horror under the previous government. It was four years of increasing consumer hardship, increasing disconnection rates, increasing rates of wrongful disconnection and growing debt levels upon entry into the hardship program. They were also years which saw an increase in the number of affordability cases considered by the energy and water ombudsman. They are not exactly the achievements of a government committed to decreasing energy costs, something opposition members campaigned on in 2010.

This government recognises the economic importance of improving energy efficiency for businesses and households. We have saved the Victorian energy efficiency target scheme from the coalition's cuts. It is a scheme that supports thousands of jobs, reduces energy bills and reduces greenhouse emissions. Indeed we will work to strengthen it. That is what this government does; it takes pride in the achievements of our Labor predecessors and understands where the future is. We do not look to the past; we look to the future. We are committed to building a future for the next generation and preserving what we can for future generations.

Energy efficiency is vital for a productive economy and mitigates demands on our network. Simply, it makes sense. I am proud to be part of a government that is committed to restoring the state's environmental credentials, preserving the things we hold dear for future generations and assisting customers along the way — and why not? I am glad to see that the Lord Mayor of Melbourne, Robert Doyle, has lent his support to this bill. It is always nice to see people on the other side of politics backing what we do. It gives me tremendous pleasure. On that note, I commend the bill to the house.

Mr WAKELING (Ferntree Gully) — I wish to make a brief contribution to the debate on the Local Government Legislation Amendment (Environmental Upgrade Agreements) Bill 2015. I welcome the fact that this government has introduced this bill, and I support the contributions that have been made by coalition members, particularly the comments made by the member for Caulfield. Clearly the important work on environmental upgrade agreements that is reflected in this bill is significant. As a former local government councillor, I know firsthand the work that is involved in

a range of environmental projects that affect local communities, and I would like to take this opportunity to talk about some of the work that has been happening in my own community of Ferntree Gully and the work that has been done by the City of Knox with respect to important environmental upgrades within that community.

After the 2010 election the incoming coalition government made a funding contribution to projects which were providing important environmental upgrades — namely, works along Blind Creek. I would like to place on the record recognition of the hard work that has been done by Friends of Koolunga Reserve as well as by the Friends of Blind Creek Billabong. When in government we were very pleased to provide a \$50 000 contribution to both organisations. As a consequence of those contributions, of the work of the environmental staff of the Knox City Council and of the work of the volunteers, along with the collaboration of Melbourne Water, important upgrades occurred affecting the health of that creek.

Very importantly, the work of Friends of Koolunga Reserve — of Kath Loxton and her team — saw the removal of the tradescantia weed, more commonly known as trad plant. We were able to fund a program that meant that over a sustained period of time — over successive seasons — work could be done resulting in the removal of that weed infestation from the creek bed. We have seen planting in, and more importantly the return of native plants to, the creek bed, which has been a fantastic outcome for that community.

Equally the Friends of Blind Creek Billabong have done some important work clearing out weed areas, and I was very pleased to assist them in the planting of a range of native plants. We were able to improve an area that was once weed infested. It is now a fantastic resource for that local community — one that is embraced by the local community and one that sees a lot of people taking ownership of their local park because of the environmental benefits.

I understand the work that is done by local government, and I appreciate the work that is done by my local community and by Knox City Council. It is imperative that we all work collaboratively with local government to ensure that we bring about important environmental upgrades for our local communities.

Ms THOMAS (Macedon) — It is great to be able to get up this evening to speak on the Local Government Legislation Amendment (Environmental Upgrade Agreements) Bill 2015. As I have had the chance to say previously in this house, energy policy is something

that my constituents in the electorate of Macedon care very deeply about. I know they will be pleased to see this bill come before the house, and indeed they will be wishing it a swift passage through both houses.

This is a common-sense piece of legislation. Unfortunately this is an area that lapsed under the previous government because as we have already heard, and as the Minister for Planning noted, when we think about the previous government and its commitment to either renewable energy or energy policy, we find it was severely lacking. What a contrast with the Andrews Labor government and its Minister for Energy and Resources, who has been extremely active in bringing a range of legislation to the house and who has been active in my own electorate. I will talk more about that a bit later.

I want to talk members of the house through what this bill enables. An environmental upgrade agreement (EUA) is a council-based funding mechanism that will enable businesses to better access finance for energy, water or waste reduction upgrades to non-residential buildings. Under an EUA, a lender provides finance to a building owner, and the local council collects repayments through the rates system. The council then passes the property charge on to the lender.

The use of the council rates system means that an EUA loan is prioritised over other debts attached to the land if there is a loan default. This gives lenders more security, allowing them to offer long-term loans at low interest rates. EUAs may be used for the upgrade of existing non-residential buildings on rateable land across Victoria, and EUAs may be used for works that improve the energy, water or environmental efficiency or sustainability of a building. For example, this could include improving water efficiency, installing on-site energy generation, reducing pollution or waste, or improving the efficiency of the use of materials. All of these things are very sensible. This is a common-sense bill and one I hope has a speedy passage.

The benefits of extending EUAs across Victoria are many. Amongst those benefits, the upgrading of buildings for greater energy, water and waste efficiency is a cost-effective way for businesses to reduce ongoing costs and improve building value. EUAs can help businesses obtain longer term, lower interest loans for environmental upgrades than are available under non-EUA finance. This is because the council's rating powers mean that an EUA charge is a first charge on the land, giving the lender greater security. The availability of EUAs can therefore help businesses reduce their costs by improving building efficiency.

Extending EUAs across Victoria is recommended because the same financing barriers for environmental upgrades exist outside the city of Melbourne. There is no reason to restrict EUAs to the city of Melbourne. I will be delighted to take the time to speak with the five councils in my electorate about the benefits that EUAs offer and the ways in which they can be promoted in my local community.

I want to talk a little more broadly about energy policy. I note that the former coalition government failed at every step to put energy consumers at the forefront of its thinking. It let energy consumers down at every turn. We had a government that did not care about cutting energy costs for consumers, and under that government disconnection rates increased, wrongful disconnection rates doubled, the average debt upon entry into the hardship program surged and the number of affordability cases considered by the energy and water ombudsman of Victoria skyrocketed. We had a government that had no regard for the costs of energy to consumers, the hardship associated with those costs or indeed the greenhouse gas and climate change effects of its energy policy. We had a government that had its head in the sand when it came to both the affordability of our utilities and the climate change impacts of them.

One thing that is really important about this bill is that it is one of many pieces of legislation that the energy minister is bringing to the house that reflect the aspirations of the Andrews Labor government, a government that is serious about both climate change and reducing the cost of utilities. This government is reflecting the real concerns of our communities, concerns that are raised with me every day. It is fantastic to have an energy minister who is working hard on both these fronts and reflecting the aspirations of this government and the Victorian people. Our energy minister is taking a holistic and active approach to her portfolio. What a contrast to the previous government, which failed at every step of the way.

We heard at great length from the member for Caulfield. It is with some amusement that I note that the member's Twitter profile picture features him in front of a wind farm. We all know that it was those opposite who did everything in their power to kill off the wind energy industry in this state. At every step of the way they introduced draconian antiwind laws that meant that those in my own electorate, including the people of Woodend, who aspired to build a community wind farm were stopped dead in their tracks.

Let there be no mistake: when it comes to climate change and renewable energy, those opposite will deny

climate change. They have no interest in investing in renewable energy. We have seen that in the way in which they tried to get rid of the Victorian energy efficiency target (VEET), a scheme that supports thousands of jobs across the state, reduces energy bills and creates benefits from avoided greenhouse gas emissions. But what did those opposite want to do? They wanted to get rid of the VEET scheme.

It is great to see that members of the opposition are supporting this bill that, as we have learnt, had its foundations in the previous Labor government; it is good to see that they are not getting in the way of this bill. But let there be no mistake, those opposite need to be dragged kicking and screaming to support environmental policy, a progressive energy policy or recognising climate change. As I said, on behalf of my electorate I wish this bill a speedy passage. I think it is an excellent bill, and I look forward to speaking to local government in my electorate about the bill, which is soon to be an act. On that note I commend the bill to the house.

Ms WARD (Eltham) — I rise with great pleasure to speak on the Local Government Legislation Amendment (Environmental Upgrade Agreements) Bill 2015. This is good legislation. Why is this good legislation? Because it is creative legislation.

Mr Nardella interjected.

Ms WARD — That is exactly right. It is progressive; it is Labor legislation. Let that be very clear — this is Labor's legislation. This is legislation that has Labor's hand prints all over it. This is the kind of legislation that Labor loves to create. It is creative, it is innovative, it thinks outside the square. It comes up with innovative solutions to serious problems. This is what we do; this is what Labor does. We do not just sit idly on our hands like the previous government without any ambition or desire to achieve real outcomes. We do not let legislation just lie idle because nobody can be bothered to push it forward. That is not our style. We are here to get things done, and we are getting on with it. Let me be very clear. The Andrews government accepts that the science on climate change is clear. We accept that it is real, and it is the responsibility of governments to take action to reduce our carbon footprint. It is very simple — it is real and we need to act.

There is a responsibility on government to do all that it can to reduce pollution overall, and that is what this legislation will do. This legislation builds on the creative legislation that we developed five years ago. It allows for the extension of the environmental upgrade

agreement (EUA), which has the potential to be of great benefit to my community and to the municipalities of Banyule and Nillumbik.

As many people in this house know, my electorate is at the start of the green wedge; it is right on my doorstep. The environment is important to the people who live in my community, both in Banyule and in Nillumbik. Why is it important? Because we want to preserve our environment. We want to live in a clean state and importantly — and this is something that is also passionately believed by the people in my electorate — we want jobs. We want a sustainable economy; we want innovation; we want to move forward. These are the things that matter to the people in my community, and they are things that matter to Victorians more broadly.

We want legislation that helps us build for the future. We want legislation that invests in communities, that helps communities to create the best environments they can. This legislation not only allows Victorians to continue to clean up our state, especially after the mess that was created in the last four years — —

An honourable member interjected.

Ms WARD — They did something; they just made a mess. When you do nothing for four years, that is exactly what happens — the rubbish piles up. And what happens then? A Labor government has to come in and clean it up. Cleaning it up is exactly what we are doing. We are getting on with it. This legislation not only allows Victorians to clean up our state; it also allows building owners and tenants who participate in this scheme to reduce their own costs in areas such as water, energy and waste. It is a win-win situation.

I know that this legislation will be of great interest to those who live in Eltham. We care about the environment, we care about the economy and we care about jobs. It ticks a lot of boxes. It helps our state become a lot cleaner. It allows owners and tenants to save on energy costs, and it has the potential to create new jobs as the environmental upgrade agreement (EUA) model is taken up across all Victorian municipalities. This is what Labor wants; this is what Labor will create. We want new jobs.

I am pleased that members of the coalition are supporting this legislation. It is great that they had this bill last year that just floundered and sat. They were so lethargic that they could not get this bill through.

Mr Nardella — They were hopeless.

Ms WARD — Absolutely hopeless. The member for Melton is absolutely right. It is unfortunate that they lacked the energy to get this bill through before the last election — pun absolutely intended, member for Macedon. I hope it is not a sign that they share the climate change views of our Prime Minister. I am sure everyone in this place is familiar with the Prime Minister's very firm and what I believe to be incorrect statement in 2010 that:

The climate change argument is absolute crap.

In his book titled *Battlelines*, the Prime Minister said:

Whether humans have had a significant impact on the climate as a whole is much less clear. Climate change is a relatively new political issue, but it has been happening since the earth's beginning.

Bless him! I shake my head at the Prime Minister and his inability to see a positive future for our country. I really do. In contrast, the leader of the federal opposition not only recognises that climate change is real, as Prime Minister he will address this crucial issue and has pledged that under a Shorten Labor government, renewable energy is to generate 50 per cent of Australia's electricity by 2030. This is in stark contrast to the views of the current Prime Minister.

What has the current Prime Minister got? He has got his Direct Action. What we are seeing in fact is very little action at all. What we are seeing is bad policy. We are seeing bad, lazy policy. What we are seeing with Direct Action is that to all intents and purposes it just seems to be there to support his big business mates rather than address climate change or, just as importantly, create new jobs.

What we see, to quote the Climate Change Authority, is that the large payments made to companies under the direction action model to reduce their emissions 'might have occurred anyway'. This means that a manufacturer could install energy-efficient equipment into their building — which of course would save the manufacturer energy costs — and receive funds to do so when more than likely this would have occurred anyway without this payment.

The chief executive of the Climate Institute of Australia, John Connor, has said:

The highest level of scrutiny should be [applied] when we are using taxpayer funds ...

He went on to say that what was lacking was:

... a framework that has the polluters taking responsibility and puts broad limits on carbon pollution.

An example of this which was cited by the ABC is LMS Energy, which was paid more than \$100 million for landfill gas projects, when at least 25 out of 28 of the projects were already established and some had been operating for more than a decade. Direct action appears to be, as my beloved nanna would say, money for jam — not money for action, but money for jam.

The Andrews government takes a different approach. We have established the \$20 million New Energy Jobs Fund. We are investing in clean energy, in our community and in jobs, because we know where the jobs of the future are and they are the jobs that we are interested in creating. That is what is great about this legislation. It is another creative, innovative policy that Labor created that will not only help reduce carbon emissions and pollution but will also help create jobs. Make no mistake, as opposition members have also said, people will take this up. People will be enthusiastic about this policy. They will want to buy in and be a part of it because it will save them money and it will create jobs.

The Andrews government has called on Victorians to contribute to the conversation around addressing the damaging effects of climate change and submit their thoughts to the review of the Victorian Climate Change Act 2010. We want to engage with people. We want their ideas and their participation. We have reduced the crippling 2 kilometre household veto for proposed wind turbine development to 1 kilometre from a dwelling. We are supporting solar farms and have invested \$200 000 to help the township of Newstead to become fully powered by renewable energy. We are getting on with that. We have so many things happening, and it is fantastic. It is amazing what we have achieved in just eight months compared to what those opposite did not achieve and could not achieve in four long barren years.

Our policies show a very different approach to that of both state and federal coalition members — to those opposite and those in Canberra. They have no real commitment to climate change and no real commitment to jobs. This is why we are also seeing this conversation around penalty rates. They have no commitment to jobs and no commitment to a decent wage. Those people do not care how average workers get by, they do not care how jobs are created, and they are not as interested in the economy as they make out to be. I commend the bill to the house.

Mr PEARSON (Essendon) — I am delighted to join the debate on an important piece of environmental legislation before the house, the Local Government Legislation Amendment (Environmental Upgrade Agreements) Bill 2015.

I checked the speaking list before I started, and I am really pleased because I am the last speaker. I was quite fascinated by the member for Melbourne's contribution. Here is an important piece of environmental legislation, which will significantly reduce greenhouse gas emissions. As the lead speaker for the Greens, the member for Melbourne was allocated 20 minutes, but she could not speak for more than 5 minutes. As far as I can gather, the member for Prahran chose not to speak at all on an important piece of environmental legislation which will reduce greenhouse gas emissions in this state. Those members are a pair of dilettantes. The French army would show more fight than these people. They come in, they talk the talk but they do not go into battle for their constituents or the issues that they say they care about.

It is a bit like a former trade union secretary debating WorkChoices who either does not show up for the debate or uses 25 per cent of their allotted time to speak. What a joke! The member for Melbourne talked about heading towards oversupply and that she hoped the state government might intervene and shut down the power stations. I am not sure if the member for Melbourne ever studied economics, but if there is a private operator that is going broke and losing money it will not wait for the Treasurer of Victoria to call and ask if they want a bit of intervention to shut them down. They will shut themselves down. That is how it works.

However, I will give the member for Melbourne credit. It was the first time I actually heard her say that she wants to talk about the community in the Latrobe Valley not being left behind. For the last five years all I have ever heard from the Greens, in this place or the other place, is 'Shut down Hazelwood!', with no thought about the community. There is no thought given to a smooth transition or a soft landing. It is just a sudden break, and they do not care about the community. They have never cared before, but now they are showing some level of interest. 'Shut Hazelwood. Just shut it. Shut it down. Forget the jobs'.

We had a plan in 2010 to close Hazelwood in a smooth and orderly fashion to make sure those communities were not left behind and that was shouted down by the Greens. They did not care. They were not interested. It is an absolute joke that now they purport to show some level of interest. Neither of the Greens speakers could speak for the allotted time on this debate. It is an absolute joke.

I now turn to the bill. This bill is an important piece of legislation because it is a three-way agreement between local councils, the owners of non-residential buildings and lenders. It is important that local government has a

say in this. When I look at the three tiers of government, I sometimes think the federal government is a bit like the brain in the human body. It has great policy ideas but no great ability to actually do the heavy lifting and implement the ideas. State governments are a bit like the limbs. They have some nerve cells, they are good at moving a bit but they are not quite as nimble or dexterous as local government. Local government is a bit like a fingertip. Local councils are very good at that sort of granular stuff at work, but they are probably not that strong on policy.

The great thing about this legislation is that it is trying to harness local government so that we can look at making substantial changes in terms of energy, water, environmental efficiency and sustainability on a rateable property. There are some businesses out there that have done this stuff already.

I know that when we were in the drought period Bunnings recognised the fact that it had a large nursery and it needed to supply its nursery with potable water. It had the balance sheet and the cash flow, and it made sure that it collected all the rainwater that fell off the roof, stored it and watered its gardens with it, which was great. When you have that capacity and ability, and you have the cash flow and the balance sheet, that is great and you can do that sort of stuff, but not all businesses are able to do that. This mechanism is important because it allows those businesses which might be cash flow poor or might not be asset rich or have a strong balance sheet to be able to access this mechanism.

The important mechanism in what is being proposed in this bill is that repayments are collected by local councils and, in terms of the banks that are funding these sorts of initiatives, it puts it at the front of the queue if there is a default. Why is that important? We all know the difference between debt and equity. With debt, you have the certainty that you are going to be paid and therefore you can charge a lower rate of interest. If we look at mezzanine finance or equity participants, they obviously want a higher rate because there is a high level of risk. Effectively this legislation will de-risk this mechanism and that will ensure that lower rates of interest can be provided to provide competition, and that is what we want. We want a situation where there is contestability in the market to find market-based solutions, and to find innovative financial products and offerings. That goes for both the private sector and the non-government organisation sector.

I have had a lot to do with Adam Mooney, CEO, Good Shepherd Microfinance. That firm has come up with a

lot of really smart, innovative financial solutions, be it a no-interest loan scheme or a step-up low interest loan scheme — again, those are innovative financial solutions to provide to the market that are contestable, so that you are not going down the route where there are the old, staid, conservative banks that give bonuses to the employees who can say, ‘I knocked back 100 per cent of all the loan applications this month, Boss. I am protecting your money, I am not lending anything’, or the Flash Harry pawnbrokers down on the high street. We want to have that level of innovation and thoughtfulness, so that we can look at trying to find those market-based solutions.

It is also important that the bill provides tenants with consent to contribute to the repayment of the upgrade charge. Consent is really important because when you are in business on your own, you need to make sure that you are not responsible for the capital improvement that the landlords will accrue and will be able to transfer when they sell their property. You do not want to pay for that if you are not going to get any upside from it, so we need to make sure there is some degree of consent. Obviously it makes a lot of sense if we are talking about reduced utility bills or a reduction in water usage. That stuff is then important.

This bill is really important and it is also really important to think about, in a broader context, how this can be applied elsewhere. The Greens, for example, made no contribution in relation to talking about the Yarra River. One of the great problems of the Yarra River is the fact that there are old septic tanks that line the river up around places like Hawthorn and Kew, which often overflow and then impact on the health of the river. If we can look at trying to find ways in which we can rehabilitate those sites so that there is not that level of waste, that is important.

We are moving towards a future where the reality is that the strain and the pressure on our grid will reduce. We are far more energy-efficient than we were in 2008–09 despite the fact that we have been growing at 1500 people per week, every week, for the last 15 years. Our population is growing and our energy usage is declining. Our energy use is declining because we are becoming far more energy-efficient, but we are also adopting new technologies like photovoltaic (PV) panels. The reality is that the next chapter in this journey will be when we start having battery packs on the side of our houses, and then the draw down on the grid will fall even further. There will be a situation where we can anticipate that although our population will continue to grow, our energy usage will flat line or decline. That is an important step and it is a very good thing.

The important thing about this legislation is that we are looking at a market-based solution that is going to improve the capital value of properties. Owners of properties will be able to ensure that they can bring up to standard their capital stock and make sure that there are levels of improvement as well as being far more environmentally efficient and effective than has been the case in the past. Providing these sorts of options is the best way forward, and market-based solutions for these sorts of questions are infinitely better than governments seeking to impose a solution without any real thought about or regard for the requirements of the community or the interests of users.

Frankly, we are looking towards a brave new world, we are looking towards a future where we are going to see a level of far more sustainable energy usage. There was a report in the newspaper last weekend saying that a battery pack at the moment costs \$40 000, and I remember when PV panels were similarly highly priced and there was difficulty in terms of the uptake because of the impositions. As we see the reduction in cost for these products, as we find innovative financial solutions that we can bring to bear, we will have a far more sustainable environmental footprint. This bill is an important first step, and for those reasons I commend the bill to the house.

Debate adjourned on motion of Ms SPENCE (Yuroke).

Debate adjourned until later this day.

ALCOA (PORTLAND ALUMINIUM SMELTER) (AMENDMENT) ACT AMENDMENT BILL 2015

Introduction and first reading

Received from Council.

Ms SANDELL (Melbourne) — I move:

That this bill be now read a first time.

House divided on motion:

Ayes, 38

Angus, Mr	Naphine, Dr
Asher, Ms	O'Brien, Mr D.
Battin, Mr	O'Brien, Mr M.
Blackwood, Mr	Paynter, Mr
Bull, Mr T.	Pesutto, Mr
Burgess, Mr	Ryall, Ms
Clark, Mr	Ryan, Ms
Dixon, Mr	Sandell, Ms
Fyffe, Mrs	Smith, Mr R.
Gidley, Mr	Smith, Mr T.
Guy, Mr	Southwick, Mr

Hibbins, Mr	Staley, Ms
Hodgett, Mr	Thompson, Mr
Katos, Mr	Tilley, Mr
Kealy, Ms	Victoria, Ms
McCurdy, Mr	Wakeling, Mr
McLeish, Ms	Walsh, Mr
Morris, Mr	Watt, Mr
Mulder, Mr	Wells, Mr

Noes, 44

Allan, Ms	Kilkenny, Ms
Andrews, Mr	Knight, Ms
Blandthorn, Ms	Lim, Mr
Brooks, Mr	McGuire, Mr
Bull, Mr J.	Merlino, Mr
Carbines, Mr	Nardella, Mr
Carroll, Mr	Neville, Ms
Couzens, Ms	Noonan, Mr
D'Ambrosio, Ms	Pakula, Mr
Dimopoulos, Mr	Pallas, Mr
Donnellan, Mr	Pearson, Mr
Edbrooke, Mr	Richardson, Mr
Edwards, Ms	Richardson, Ms
Eren, Mr	Scott, Mr
Foley, Mr	Spence, Ms
Garrett, Ms	Staikos, Mr
Graley, Ms	Suleyman, Ms
Green, Ms	Thomas, Ms
Halfpenny, Ms	Thomson, Ms
Hennessy, Ms	Ward, Ms
Howard, Mr	Williams, Ms
Kairouz, Ms	Wynne, Mr

Motion defeated.

ROAD SAFETY AMENDMENT BILL 2015

Second reading

Debate resumed from 24 June; motion of Mr NOONAN (Minister for Police).

Mr CLARK (Box Hill) — The Road Safety Amendment Bill 2015 is a bill to amend the Road Safety Act 1986 in two main respects. Firstly, it will allow Victoria Police to require a blood test from a driver or other person in charge of a motor vehicle where the vehicle is involved in a fatality or serious injury collision, to enable that blood test to be analysed for the presence of drugs. The second area is a number of miscellaneous amendments to approve the operation of part 6A of the Road Safety Act 1986 in relation to the hoon driving regime.

In introducing the bill the Minister for Police grounded it by reference to the government's *Ice Action Plan*. That is a document that sets out to address what is obviously a very serious social issue, one that is regarded as such by all sides of the chamber. I have to say that the *Ice Action Plan* itself is not a strong document, to say the least, and it is becoming increasingly concerning that the government is proving

to be quite slow in bringing forward measures even for the limited actions set out in that plan.

I refer in particular to an aspect of the plan that the government made a lot of prior to the election — what it refers to as tough new laws to stop dealers. It promised that new laws would be introduced to target people who deal ice to schoolchildren around school premises, to deal with publication instructions for how to make ice, allowing premises to be used as clandestine drug labs and using violence or threats to force another person to deal in ice.

The problem with all those measures in terms of the conduct to which they relate is that they largely replicate the existing law anyway. While they seek to establish higher maximum sentences, having higher maximum sentences alone will have very little effect when the courts customarily hand down penalties very far below the maximums for offences of this nature. There is already a maximum sentence of life for trafficking large commercial quantities of drugs, but most people would consider it regrettable that not many sentences for that heinous crime are handed out that go anywhere near that level of gravity. That is one of the reasons the previous government introduced the baseline sentencing regime, which sought to tackle the average or median sentence that was applied to serious offences, including trafficking a large commercial quantity of drugs, not just address the maximum penalty. Our baseline sentencing regime effectively doubles the median sentence applicable to that offence from 7 years to 14 years.

We are concerned that these new offences that the now Premier announced with such a flourish prior to the election will be ineffectual in tackling dealing in ice. To make matters worse, these measures upon which the now government placed such emphasis prior to the election have still not reached the house. I know there are often matters that can arise in the drafting of such legislation that can cause delays in terms of getting the detail right, but nonetheless a considerable number of months have now passed and the responsible minister, who I assume will be the Attorney-General, has still not brought that legislation to the house. We are keen to see that legislation come before the Parliament, together with any other measures that the government proposes to introduce to strengthen the law in that area.

In relation to the measures in this bill that seek to strengthen the road safety regime, there has been a long and valuable tradition in this state of general bipartisan support for road safety measures. This has endured for many years, and it has been very successful in making Victoria one of the leaders in introducing road safety

measures, even at an international level. Certainly there is no question of the sincerity of the current government in seeking to combat the road toll. Without questioning the bona fides of the government's intentions, it is nonetheless appropriate to scrutinise measures that are brought before the Parliament and, where appropriate, to raise questions and concerns about the effectiveness of the measures that are put before the house, whether by this government or any other government.

There are a range of concerns that we have about the bill before the house — not only the drafting of some of the measures that are in it but also some of the measures that have been omitted from it. I hope those concerns can be explored and addressed during the course of the debate in this house. As I indicated in the debate on the government business program, our view is that this is a bill that would greatly benefit from consideration in detail, and we hope that that consideration in detail will occur. However, if our concerns cannot be resolved in this house, certainly the opposition will consider moving amendments in the Legislative Council to address any matters that may remain unresolved.

Let me turn first to the issue of the omission from this bill of a reference that specifies that heroin is a prescribed illicit drug with the consequence that it would be subject to saliva swab testing, otherwise known as oral fluid testing. This is a measure that was in a bill which was brought to the Parliament under the previous government and to which this bill is in many respects very similar. However, while the measure was in the bill brought to the house by the previous government, it is not in the current bill. That omission is of concern to the opposition. We have heard no adequate explanation so far as to why it has been omitted, and we are very keen to see if the government can explain to the house and to the community why this provision has been amended. The consequence of the omission is that heroin is not included among the drugs that are subject to testing by random swab tests, and heroin is of course a very pernicious and destructive drug. We are struggling to see the reason why it should not be included.

There have been tragic cases in which people have been killed in circumstances where there was at least a very strong suspicion that heroin was involved. I refer in particular to a case involving a couple killed by a speeding driver who ran a red light in Carlton, which was the subject of a number of media reports. An AAP report of 19 May 2014 states:

Fernando Marino, 33, and Karen McGovern, 31, were hit as they crossed a road in Carlton's restaurant district in August 2011, leaving their two young children orphans.

...

The couple, from Albion Park in NSW, were on a weekend trip to Melbourne to watch Ms McGovern's beloved AFL team, the Sydney Swans, play at the MCG when they were killed.

The article goes on to say that the driver:

... pleaded guilty to two counts of dangerous driving causing death.

She was travelling 65 kilometres per hour in a 50-kilometre-per-hour speed zone, and the traffic light had been red for 6 seconds when she drove through the intersection and hit the couple.

While it was never established that this was the case, my recollection is that the driver concerned had had a history of heroin use and there was very strong concern that she may have been under the influence of heroin at the time of this accident. That was not able to be established, and that is a demonstration of some of the tragic consequences that can flow from people who drive under the influence of heroin. It is also a demonstration of the case for ensuring that heroin is included among the drugs that are subject to swab testing.

As far as the opposition has been able to establish, there is no technical reason why that cannot occur. Certainly if one examines the websites of manufacturers of such products, one can find reference to swab products that are available that will test for a range of drugs. At present only a limited range of drugs are subject to testing in Victoria, and those are drugs such as cannabis, methamphetamines and ecstasy. Heroin is not amongst them. Given that there appears to be no technological reason why the swab testing regime could not include heroin, one needs to ask: why not? Is it a question of cost or logistics or is there some other factor that needs to be put on the table to establish a reason? This is something we believe the government needs to address during the course of this debate. As I indicated, this measure was in the bill that was brought to the Parliament under the previous government and the previous minister committed to it, but we have had no good explanation as to why it has been omitted from this bill.

The provisions that are in the bill, which in many respects but not in some crucial respects parallel what was in the bill brought to the Parliament by the previous government, make provision for the person who is the driver or in charge of a motor vehicle that is involved in an accident that has resulted in death or serious injury

to be required to undergo a blood test. Then that test will be analysed and can be used in evidence in relevant cases. In introducing the bill the minister referred to a particular tragic case that had been the catalyst for the legislation introduced by the previous government. The minister also cited this case in relation to this legislation.

The case relates to a driver by the name of Aaron Sandner, who ran a red light and killed a passenger in another car at Docklands last year. I quote extracts from a report in the *Age* of 22 September 2014 titled 'Killer driver Aaron Sandner had 50 grams of ice in car, court hears':

The court heard that Cory Jach, 36, and his partner and passenger Tien Le, 34, had stopped at a red light to turn right at the intersection of Footscray Road and Waterfront Way.

In a summary of the evidence, Mr Jach started to turn right through the intersection when he heard Ms Le 'gasp' and he saw Sandner's car's bull bar collide with the front passenger side of his car.

...

Ms Le, an ANZ IT designer, died at the scene. Two passengers in Sandner's car fled the crash scene and have not been located, while he was arrested.

Police found 49.4 grams of a crystal substance later found to be methylamphetamine in the car and also a small set of electronic scales and a smoking pipe.

A test indicated there was no alcohol in his system, while later at a police station a preliminary oral fluid test indicated the presence of illicit drugs which were then analysed and indicated the presence of methylamphetamine and amphetamine.

However, Mr Sandner apparently refused to allow a blood test to be undertaken, and it was believed at the time that he could not be compelled to do so. Again, this is an indication, if any indication is needed, of the terribly tragic consequences that follow when people under the influence of ice drive a motor vehicle. There is no question about the merits of what this measure seeks to achieve, but again there have been some changes between the bill brought before the Parliament and the bill that was introduced previously. The opposition is concerned about some of those changes and is keen to get an explanation from the government as to why they have occurred.

The first point to make is that in the bill before the house it is no longer mandatory for such blood samples to be taken in all cases of collisions that involve death or serious injury. In the bill in the previous Parliament, where a police officer attended the scene and believed a person who had been driving a vehicle had been involved in a collision and was not otherwise subject to

a test — for example, if they had been injured and taken to hospital, then of course they would be tested, but not if they were uninjured — then it was obligatory for the relevant police officer to require a test to take place.

Under the bill before the house it is proposed simply that a police officer may require any person who the police officer reasonably believes was or may have been driving or in charge of a motor vehicle involved in the accident at the time of the accident to allow a sample to be taken. We have had no explanation as to why we have gone from 'must' in the previous bill to 'may' in the current bill. The ability to emphasise that such testing is mandatory in all cases would seem to be a very strong way to drive home to the community the gravity of such conduct and the certainty of the consequences that would follow. We are keen to hear the government's explanation as to why that mandatory requirement in all cases has been omitted.

There has also been an omission of reference to urine samples from the current bill, which was present in the previous bill. It is not clear why that has been omitted, but again we believe the community and the house would benefit from an explanation as to why it has been omitted.

Another aspect that needs to be addressed in the course of considering this provision is how the current impairment testing regime is operating or not operating, and the circumstances in which that test could potentially be used more widely when police suspect that a person is under the influence of drugs. This amendment addresses the situation where there has been a death or serious injury. On my reading of them, the existing provisions in the act allow police to require an impairment test if they believe any driver has been driving under the influence of drugs and then, if the impairment test seems to confirm that, to require a blood test to be taken.

It would be helpful in assessing the context of this measure to understand the current practice of Victoria Police in relation to using such impairment tests, how effective and how usable they find them, or whether there are difficulties in police using impairment tests to assess motorists who they suspect might be driving under the influence of drugs.

The other aspect that may deserve further consideration is the penalties in the bill for those who refuse to give blood samples and whether they are adequate for that purpose. In this respect this bill is the same as the previous legislation, and it may be that those penalties are satisfactory, but on the face of it the penalties for

refusing a test would seem to be those currently set out in section 49 of the principal act.

The other aspect of penalties is: what are the consequences if a compulsory blood test shows the presence of heroin but the level of heroin, or indeed of any other drug, is not necessarily high enough to establish the charge of culpable driving? Are the penalties for that adequate? As I said, this aspect of the bill is important to ensure that where there is a death or serious injury there is a clear and straightforward way a blood sample can be taken. It is in the interest of all members of this house to ensure that those provisions are made as effective as possible.

Finally, I have a few comments on the hoon driving provisions in the bill. There are three aspects. The first is to amend the specification of the costs of impounding and dealing with a hoon driver's vehicle that may be recovered from the driver concerned and to expand the definition of designated costs to include administrative costs, including the cost of corporate support services incurred in relation to the impoundment or immobilisation of the vehicle in relation to various other matters. It is a worthwhile objective to ensure that hoon drivers pay the full costs that they inflict on the community through the impoundment of their vehicles.

Again, tackling hoon driving is something that has enjoyed bipartisan support. The previous Labor government introduced measures in this area, as did the coalition government, and this measure seeks to build on those. There may be a legislative drafting issue as to whether something needs to be said explicitly about the apportioning of overhead costs, and the minister may have something to say about that, but ensuring that administrative costs are included is worthwhile.

The bill also extends the surrender notice period of 42 days — there are a range of offences to which that notice period applies. The drafting of the legislation is a bit convoluted, but it appears to extend it from prescribed camera-detected offences to other offences detected through prescribed processes and be designed to ensure that all operator onus offences are covered.

The final aspect that may deserve further consideration concerns the rearranging of the wording of provisions when courts are not permitted to decline to make an impoundment, mobilisation or forfeiture order on the grounds of exceptional hardship. The minister's second-reading speech implies that those provisions are being tightened by the bill. On my reading they simply rearrange for greater clarity the existing provisions in the principal act; they make an improvement to avoid ambiguity but they do not alter the substance of those

provisions. Certainly the opposition has no objection to the objectives of any of those hoon driving measures in the bill. What we are keen to ensure is that they operate as intended and as effectively as they can.

In conclusion, the opposition does not oppose the bill. However, we believe that there are a number of significant questions that need to be answered by the government, in particular why the heroin testing provisions in the bill introduced under the previous government have been omitted, why the testing regime for death and serious injury accident cases is no longer mandatory in all cases and also why it has been refined from both urine and blood samples to blood samples only. We look forward to the government's response on these issues to ensure that the best possible bill is passed by the Parliament.

Mr DONNELLAN (Minister for Roads and Road Safety) — It is a pleasure to speak about the Road Safety Amendment Bill 2015 as the Minister for Roads and Road Safety. The bill will certainly improve road safety across Victoria, including by providing a better testing regime for people who seek to drink and drive. A couple of comments have been made in the media in relation to the capacity, or otherwise, of testing for opiates to be undertaken under the legislation. Let me be very clear. We have worked with both VicRoads and Victoria Police. Inspector Boorman, the head of road policing command, talked about the bill on 3AW on Friday, 31 July. Neil Mitchell queried whether the bill spelt out the capacity to test for opiates in blood testing.

Inspector Boorman: No. The actual amending bill doesn't specify that, but if you read the Road Safety Act, part 5 in its entire context, we are able to analyse those blood samples taken under these provisions for a broad range of substances, in addition to alcohol.

Neil Mitchell: Well, with due respect to the politicians, I will leave them all out of it. You will know better than anybody, does this mean under the new legislation, as you see it, if a person is involved in a serious crash or fatality and they are not injured, they can now be blood tested for everything you want to blood test for.

Inspector Boorman: That's right.

Victoria Police, VicRoads and all those involved in establishing the legislation were clear that police are able to undertake blood tests for that particular purpose. From what I understand, the issue in relation to oral testing for heroin is the technical potential for legal drugs to be picked up, which may include codeine and the like. An assessment was made that to be certain there was a need to do such testing through blood testing in order not to have potential samples which would identify legal drugs like codeine and so forth. An assessment was made that the best way of doing this

was to do a proper blood test to elicit the information we need.

As I said, the bill is very important for Victorians, and it is in line with our road safety policies. At the moment we are renewing our road safety strategy; we are very much looking to reduce the road toll to below 200 by 2020. In many ways it is a big ask, and it is very much something that we need the community to buy into. Over the last 30 years governments of all persuasions have done a marvellous job of convincing the community of the importance of not driving while drunk or drug affected, and to some extent they have demonised those practices. It is a credit to all those involved, including many Liberal governments along the way.

We need to now move beyond that to look at demonising those who speed on our roads to ensure that we can bring down the road toll. We also need to engage communities with why we want to enforce speed reductions in a particular area above somewhere else to ensure that communities buy into that proposition. You find that drivers tend to make their assessments of road conditions and the surrounding environments and drive according to those conditions.

What we need to do is get the community to buy into why it is important to abide by the speed limit where, for example, there is a 40-kilometre-per-hour speed limit and the conditions look as if you could drive at 60 kilometres per hour. That might be because there is a school nearby or the like. This bill does start adding to — —

Business interrupted under sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house now adjourns.

Illoura Early Childhood Intervention Services

Mr WAKELING (Ferntree Gully) — I wish to raise a matter with the Minister for Housing, Disability and Ageing. I ask that the minister take action to ensure that families and children who currently attend Illoura Early Childhood Intervention Services continue to receive the same level of service and care if in fact the centre is closed by its current proprietor, the Knox City Council. I must say at this juncture that I have spoken to the minister and there may well be a requirement for this matter to also be dealt with by the Minister for Education. But initially I am raising the matter with the Minister for Housing, Disability and Ageing.

The fact that Knox City Council is currently considering the closure of the centre is causing great angst for many people in my local community. Illoura — which is an Aboriginal word meaning ‘happy place’ — was established in 1977 by a group of parents who wanted to provide their children with an opportunity to play, to share and to be together and give themselves time to talk with and support each other. Although the service was initially provided in halls, it very quickly moved to Illoura House on Dorset Road, which is now in my electorate of Ferntree Gully. The house was provided for the exclusive use of the service by Knox City Council and opened in 1980. In 1986 Knox City Council took over as the employer of the organisation, employing quality multidisciplinary, professional staff. Since 2003 an increase in services has been undertaken. Over 4000 Knox families have participated in programs provided by Illoura. It supports not just children with additional needs but the whole family.

The challenge is that currently Knox City Council receives about \$800 000 in federal and state funding. With the implementation of the national disability insurance scheme (NDIS), the council will no longer receive this block funding, given that parents will have the opportunity to choose which provider they use. In addition to that, the council currently tops up the service with an additional \$550 000. The problem the council has identified is that under the national anticompetition policy, it will be unable to provide this additional funding, as it is anticompetitive. As we know, the NDIS was meant to provide greater support for families, not less.

Firstly, it is imperative that the government provide clarity to the council as to whether or not the council has the capacity to offer additional funding or whether it is in fact a breach of the anticompetition policy. Secondly, I ask: if Knox council divests itself of the service, will families still receive the same level of assistance and care that is currently received through Illoura services?

Eltham ambulance station

Ms WARD (Eltham) — My adjournment matter is for the Minister for Ambulance Services. The action I seek is that the minister seriously consider the Eltham ambulance station when deciding how to distribute the \$20 million allocated to upgrade ambulance stations throughout Victoria. The Eltham ambulance station is located on a busy intersection in Montmorency that is often quite noisy. Having visited the Eltham ambulance station, I am aware of the urgent need to rebuild it. The building is old and lacks adequate facilities for

paramedics. There are a number of urgent issues that need addressing, including repairs to the ceiling and windows and heating and lighting problems.

Our local paramedics provide a great service and deserve an extensive upgrade to their current outdated facilities. The paramedics are highly respected for their hard work within the local community. Through conversations with residents and a local petition, I am assured of the widespread community support for an upgrade that will benefit both paramedics and the public. Over 600 signatures have been collected on a petition I created in support of an upgrade to the Eltham ambulance station, demonstrating the demand for such action. I urge the minister to prioritise the needs of the Eltham ambulance station and commit funds to enable a rebuild or redevelopment of this facility.

Sunbury Community Health Centre

Mr J. BULL (Sunbury) — My adjournment matter is for the Minister for Health, and the action I seek is that the minister visit the Sunbury Community Health Centre to discuss how new funding for dental services will ensure the best possible treatment for patients. I am not sure how many members are aware that this week is Dental Health Week. Good oral health is absolutely vital to an individual's general health and their overall sense of wellbeing and self-esteem, and I know how important it is that people in my electorate have access to public dental clinics. I would like to congratulate the Minister for Health on her announcement earlier this week of \$3.7 million to upgrade equipment at more than 40 public dental health clinics across the state. It is a fantastic announcement. Equipment like sterilisers ensure that re-usable equipment can be considered safe from cross-contamination.

Sunbury Community Health service is a not-for-profit community health organisation that provides a range of services that respond to the needs of Sunbury and the surrounding communities. It does wonderful work in supporting the people of my electorate, and I call on the Minister for Health to visit the Sunbury Community Health Centre with me to see the results of this funding for the dental service.

Eildon electorate roads

Ms McLEISH (Eildon) — I rise with a request for the Minister for Roads and Road Safety. I would like the Minister for Roads and Road Safety to visit Yea and Molesworth to see firsthand how the change in driving conditions is affecting locals, including the emergency services. The minister will be well aware of the issues with this stretch of road between Yea and Molesworth,

which are about road safety. I have no doubt that he has been briefed on the high level of accidents and fatalities, their causes and the excellent condition of the road.

To remind the minister, 8 people have been killed and 13 injured in 11 crashes in the last five years. The road itself is in very good condition. It is possibly the best stretch of road between Yea and Mansfield, and it has eastbound and westbound overtaking lanes.

There has been some action to date regarding this; there has been a reduction in the speed limit from 100 to 80 kilometres an hour. This has provoked an enormous reaction from locals and visitors alike, and many people have raised the matter with me, both formally and informally. New signage has been installed in that area, emphasising the crash zone as well as the speed limit reduction. News that wire rope barriers would be installed along what I believe is a 10-kilometre stretch also became apparent through the media and through some briefings that people had had with VicRoads.

VicRoads had a number of drop-in sessions — one in Yea, one in Alexandra and one in Mansfield. I attended all of them. The session in Mansfield was held on a Saturday morning, and it was not as well attended as the others. I know that there was footy in Shepparton that day, and a lot of people were away. Also Mansfield is a tourist town, and that was the middle of the snow season, so it possibly was not the best time. I want to congratulate the VicRoads staff at the drop-in sessions, because it is not always easy when they come up against so much angst.

It was confirmed that VicRoads was looking at the installation of wire rope barriers down the middle of the road. New information surfaced about road widening and indicating that the barriers would have breaks in them at local roads and property entry points — house or farm gates. The VicRoads staff were open to suggestions, though it seemed very clear that VicRoads had made up its mind.

There is still a lot of concern that these measures are not addressing driver behaviour — reportedly fatigue, distraction, speed and inexperience — which in the main is the cause of the accidents. The point was also made that this is going to be an \$18 million to \$20 million project, which seems an extraordinarily high figure. The proposed centre wire barriers have been put in place in Sweden and New Zealand. I believe there is one in South Australia, but this is very new for Victoria.

I urge the point that the minister needs to come to Yea, to drive that stretch of road, to understand the safety initiatives and to meet with locals, including the emergency services personnel, to understand their concerns. This is a big concern for so many people in the Mansfield and Murrindindi shires, who are worried about the speed limits on this road.

Pascoe Vale South Primary School

Ms BLANDTHORN (Pascoe Vale) — I appreciate the opportunity to raise a matter for the attention of the Minister for Education. The action I seek is that the minister visit the Pascoe Vale South Primary School, meet with the principal and school council representatives and consult with them and discuss issues confronting their school community.

Pascoe Vale South Primary School is a vibrant school with 330 students from diverse backgrounds. In addition the school boasts an energetic and dedicated parent community whose members work tirelessly to raise funds to improve the school's facilities. Schools throughout the Pascoe Vale district have experienced significant growth in enrolments in recent years, a trend that is forecast to continue over the coming years. Pascoe Vale South school, with its large grounds, has the ability to accommodate additional growth in student enrolments. Any growth in the school's student population, however, will only be sustainable if it coincides with a considerable investment in the school's infrastructure and facilities. The current state of the school's facilities restricts the ability of teachers to deliver the curriculum and to maximise learning outcomes for students.

The education department's 2012 condition report deemed that 71 per cent of the school's assets were in need of maintenance or repair. As we know, under the previous government, schools in need were left to rot. The school has received no significant state government funding since it was constructed in the 1950s. That is not good enough. As a result of the condition of the school, approximately 33 per cent of the school's ongoing costs are absorbed in the maintenance of current infrastructure and buildings, which is unsustainable.

As we saw with so many schools over the four years of inaction and wasted time under the coalition government, Pascoe Vale South Primary School was forgotten by that government. It would be greatly appreciated if the Minister for Education could tour this school and meet with members of the Pascoe Vale South school community to hear their concerns and

ideas for sustainable solutions to address the school's increase in population.

Murray-Darling Basin plan

Ms SHEED (Shepparton) — My adjournment matter is for the Minister for Agriculture. The specific action I seek is the immediate commencement of an independent study of the impacts of the Murray-Darling Basin plan implementation to date. The Goulburn-Murray irrigation district is regarded as the food bowl of Victoria. It has a \$1.8 billion irrigation modernisation project underway to strengthen agricultural productivity in the region, but the region has lost over one-third of its water from productive use because of the basin plan.

The commonwealth government's agricultural white paper commits to developing irrigation in northern Australia and funding dams. At the same time the commonwealth is drying off Victorian irrigation areas that have productive land, existing modernised irrigation infrastructure and a capable food-processing industry. That makes no sense. The commonwealth claims the basin plan has certainty for agriculture, but the opposite is the case. Uncertainty has been created by the commonwealth's commitment to provide an additional 450 gegalitres of water for the environment. This could further reduce irrigation deliveries in the Goulburn-Murray irrigation district by an amount in the order of up to 200 gegalitres. That would be a major blow for the region's jobs and productivity.

At a time when we are being told that there are great opportunities for growing our food exports, this is being put at risk because further water could be taken from productive use. My constituents are well aware of the adverse socio-economic impact that many aspects of water reform has had on our district. Indeed a meeting of over 1000 people last month at Barham, on the Murray River, provided an opportunity for those in attendance to articulate their particular concerns in relation to losses of population, services, jobs and productivity in their local communities. Given that the commonwealth has said it will not take more water where an adverse socio-economic outcome will occur, it is essential that Victoria gathers the necessary evidence and information now to fight off any further incursions.

Dandenong ambulance station

Ms WILLIAMS (Dandenong) — I wish to raise a matter for the attention of the Minister for Ambulance Services. I ask that the minister take action to upgrade the facilities at the Dandenong ambulance station. The

Dandenong ambulance branch is one of the busiest in the state, yet our dedicated paramedics are working out of a facility that is over 50 years old. The building lacks basic amenities and is in a poor state of repair. It has long passed its use-by date and poses an occupational health and safety risk for the many dedicated men and women who spend their working hours there. With this in mind I call on the minister to take action to upgrade the Dandenong ambulance station.

The Andrews Labor government was elected with a firm commitment to bring an end to the ambulance crisis. It is great to be part of a team that wants to work with paramedics, not against them, to bring an end to the chaos left behind by the Liberals and to treat our paramedics with the respect they deserve. This process started with ending the war on paramedics by referring their pay case to an independent umpire. Another important step in fixing the problem is to ensure that ambulance officers and the many volunteers who help support the service have safe, modern and adequate facilities to work from. That is why the government committed \$40 million in the recent budget to upgrade ambulance branches and equipment.

This government understands how vital it is to keep emergency services facilities maintained to the highest standards; it is a part of ensuring that Victorians are provided with high-quality, efficient care. Paramedics undertake some of the most difficult work in our community. These men and women respond to and treat all types of medical and trauma emergencies. Each day they are presented with difficult situations that challenge them and can cause great distress. Risks of occupational health and safety and inadequate amenities should be the last thing on the minds of workers who deliver such a vital service to the people of Dandenong and surrounding suburbs.

Dandenong can proudly claim to be Melbourne's second city. It is busy and thriving, and with its size and projected growth comes a need for improved, state-of-the-art emergency services facilities. The Andrews Labor government went to the election promising to deliver better care to Victorians, and it committed to upgrading ambulance stations, vehicles and equipment.

With this in mind, I call on the Minister for Ambulance Services to upgrade the facilities at the Dandenong ambulance branch and continue the great work in respecting our paramedics.

Victorian renewable energy target

Mr SOUTHWICK (Caulfield) — My adjournment matter is for the Minister for Energy and Resources. The action I seek is that she advise the house of what economic modelling has been done around introducing a Victorian renewable energy target into Victoria and what extra costs this will impose on Victorian households and businesses.

We on this side support the federal renewable energy target, and we were happy to see the federal government and opposition agree on a new target to 2020. Rather than supporting that target, getting on with it and encouraging more investment in renewables in Victoria, the Victorian Labor government is looking at introducing more uncertainty with its discussion around creating a separate Victorian target on top of the federal one.

It was interesting to see federal Labor come out with a 2030 target of 50 per cent renewables at its recent national conference and then soon after back away from that fixed target, making it an aspirational target.

We are seeing an escalation of energy prices. A recent ANZ report suggested gas prices would double over the next three years. On average \$1000 has been loaded onto household bills to pay for smart meters, which we have yet to see the benefits of. Labor undercosted the smart meter program by over \$415 million. It would be fair to say that we have more questions than answers when it comes to a Victorian renewable energy target, which would introduce another layer of bureaucracy, another tax and another scheme.

How will the Andrews government deliver on its election commitment of 100 000 new jobs when it is imposing another cost on business? Since Labor came to government over eight months ago, we have seen 14 400 jobs in regional Victoria disappear. Will those on low incomes who use more energy be more vulnerable to price increases? We have seen 38 per cent of customers participating in hardship programs. Will that number increase under a Victorian renewable energy target? Victoria has always had a competitive advantage — it has had the cheapest energy in Australia. Now, with an extra tax, it will be the state with the most expensive energy.

What will this do to the industry? Will we see industry locate to other states? What will this do to householders already struggling to pay their bills? What will this do to conventional power stations in Gippsland? Will some power stations need to close, and if so, which ones and when? Can the minister come clean and not

just talk about clean energy, but tell us what she plans to do and who will be paying for it?

Mernda police station

Ms GREEN (Yan Yean) — I raise a matter for the attention of the Minister for Police. The action I seek is that he visit the Mernda and Doreen community to update it on the progress of the Andrews Labor government's election commitment to build a police station to serve this rapidly growing community. This community's pleas to the previous government to provide it with a police station fell on deaf ears, and this is a community that doubled in population between 2011 and 2014. It is now around the size of the city of Greater Shepparton. During this period community representatives raised this issue with the previous government, and the previous Minister for Police and Emergency Services refused to meet with the community and visit it to observe the problems and listen to people's concerns.

The community was concerned about its postcode being in the top five in the state for numbers of burglaries. Sadly, there has also been a huge increase in reports of family violence in the area, and evidence from local police indicates that incidents of family violence were more likely to be serious in the area. Furthermore, it seems that because women were aware of how far away the police were, they were not reporting lower level type offences. There has also been a significant problem with hoon driving in the area.

I have been concerned to see that despite early support from Whittlesea City Council, Liberal councillors in the north ward have now withdrawn support for a police station in Mernda and seem to be pushing for a larger facility in South Morang. I am not for changing. I am still standing up for Mernda and Doreen, because this community has doubled in size since 2011 and 2014. As an elected representative for this area, I will deliver on commitments I have made. I will not backtrack as the Liberal councillors are doing, particularly Cr Christine Stow. I am also concerned that a Mernda residents group is also favouring a police station in South Morang.

I want to congratulate Tom Joseph, a Mernda resident who has been tireless in his advocacy for a police station for Mernda. It has been a great pleasure for me to work with Tom. He is a former member of the Liberal Party, and he revoked his membership of the party due to his disgust with its lack of action on this issue.

I stand strong with the Mernda community. I urge the Minister for Police to come out and talk members of the community through the rollout and provide an indication of when this police station will be delivered.

Gippsland South electorate schools

Mr D. O'BRIEN (Gippsland South) — I thank everyone for their forbearance and for their interest in my welfare in being here tonight. I am pleased to have got here on time for the adjournment. My adjournment matter is for the Minister for Education. The action I seek is that he visit the Korumburra and Leongatha secondary colleges in my electorate of Gippsland South, both of which are in need of assistance. Indeed both schools are in need of further assistance.

Korumburra Secondary College is probably the last school in South Gippsland, other than Wonthaggi, to need an upgrade. The previous coalition government provided \$5.6 million in last year's budget to begin that upgrade and do the planning works. We made a further election commitment of \$9 million, but unfortunately there has been nothing in the budget this year for Korumburra Secondary College. I have written to the minister urging him to fund this particular school, but I am now asking that he visit Korumburra.

While he is there he can go across to Leongatha Secondary College. Leongatha has been substantially rebuilt. The secondary college, a primary school and a specialist school — the South Gippsland Specialist School — are now all on one site. The previous government provided \$10 million for an upgrade of the Leongatha Secondary College. However, the job was not quite finished. We committed a further \$1.25 million to finish stage 3, and whilst the school is realistic about the prospects of getting that in the short term, the government certainly does need to provide the additional funds.

I have had discussions with the minister about these matters. I know he has been focused on delivering election commitments, but it is important that these two schools get additional assistance to finish these projects. Korumburra in particular is quite an outdated school. Most of the buildings date back to the 1950s. A full funding arrangement in next year's budget would allow the school to do a full master plan overview and ensure that it not only rebuilds the important buildings but realigns the pick-up and drop-off and bus areas at the school.

These are both very important projects. I have also spoken and written to the minister about Yarram Primary School. He could certainly come to Yarram

Primary School and see that as well. That is another important one, where the design and development works are underway. I am hopeful that it will be ready for consideration for next year's budget. I would be pleased if the minister could come and visit these schools at his earliest convenience to ensure that we can get them in the budget for next year.

Responses

Ms HENNESSY (Minister for Health) — I thank the members for Eltham and Dandenong for their advocacy regarding ambulance upgrades in their electorates. Our government has committed \$20 million towards upgrading some ambulance branches. We are currently working through the capital priorities. I will be informed by their advocacy as well as the infrastructure and capital advice provided by Ambulance Victoria in terms of the allocation. We will be making announcements in the not-too-distant future. I thank the members for highlighting the needs of their local ambulance stations.

I also thank the member for Sunbury for his advocacy in regard to access to public dental services in his electorate. Accessing public dental services is a great challenge in our health system right across the country. Victoria does not go it alone when it comes to this particular challenge. When it comes to public dental services, we need to put on the record the fact that the Abbott Liberal government made a commitment that it would invest \$220 million in Victoria. It has broken that promise and reduced it to \$38 million. This means a great challenge for public dental services. The Andrews Labor government is putting up its fair share. It has made a significant commitment of over \$209 million to invest in public dental services. That will largely go to service provision, but there will be some capital upgrade as well.

I thank the member for Sunbury for his advocacy. I would be absolutely delighted to visit the Sunbury Community Health Service and talk to its representatives about their public dental needs. I look forward to working with that community to make sure that we provide better access to more public dental services where we can.

Mr NOONAN (Minister for Police) — I am always delighted to respond to the member for Yan Yean, particularly in relation to the issue of the police station that she has so strongly advocated for over a long period of time in the Mernda-Doreen community. I remember visiting with the member last year and meeting with Tom Joseph and other representatives of the community as well as the local council to discuss

this issue. I know they had been trying to secure a meeting with the previous police minister but were unsuccessful for reasons unknown. As the member said, given that it is a rapidly growing area in Melbourne's north and there are concerns around particular areas of crime, it seemed like a reasonable thing to do, but for reasons unknown the previous government did not bother.

We listened to that community and certainly listened to the local member, and in the lead-up to the last election we made a very firm commitment that we would build a new police station in the Mernda-Doreen community if we were elected. That is exactly what happened. Our first budget provided the funding to acquire land and construct a new police station in Mernda-Doreen.

I look forward to visiting the member's electorate and to meeting with whomever the member suggests I should meet with to update them on progress towards fulfilling our election commitment, a commitment that we have funded in our first budget. I thank the member for raising this issue tonight.

Mr PAKULA (Attorney-General) — The member for Ferntree Gully raised a matter for the Minister for Housing, Disability and Ageing regarding residents of the Illoura Early Childhood Intervention Services facility receiving the same level of service if that facility is closed by the City of Knox, and I will pass that on to the Minister for Housing, Disability and Ageing.

The member for Eildon asked that the Minister for Roads and Road Safety visit the Yea and Molesworth communities to see the change in driving conditions as a consequence of the reduction in the speed limit from 100 kilometres per hour to 80 kilometres per hour. I will pass that matter on to the Minister for Roads and Road Safety. I am sure that the member is aware that there is strong evidence of lives being saved by speed limit reductions and indeed by wire rope barriers, but I will pass that matter on to the minister.

The member for Pascoe Vale raised a matter for the Minister for Education asking that he visit Pascoe Vale South Primary School and meet with the principal and school council. I will pass that on.

The member for Shepparton raised a matter for the Minister for Agriculture seeking that she commence an independent study into the Murray-Darling Basin plan's implementation to date, and I will pass that on to the minister.

The member for Caulfield raised a matter for the Minister for Energy and Resources which appeared to

contain 30 to 50 questions but particularly asked that the minister advise the house of any economic modelling in regard to a Victorian renewable energy target. I will pass that on to the minister.

The member for Gippsland South asked the Minister for Education to visit Korumburra and Leongatha secondary colleges, and I will pass that on to the Minister for Education.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 7.29 p.m.

