

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**Thursday, 26 May 2016**

**(Extract from book 7)**

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# HANSARD<sup>150</sup>



1866–2016

Following a select committee investigation, Victorian Hansard was conceived when the following amended motion was passed by the Legislative Assembly on 23 June 1865:

That in the opinion of this house, provision should be made to secure a more accurate report of the debates in Parliament, in the form of *Hansard*.

The sessional volume for the first sitting period of the Fifth Parliament, from 12 February to 10 April 1866, contains the following preface dated 11 April:

As a preface to the first volume of “Parliamentary Debates” (new series), it is not inappropriate to state that prior to the Fifth Parliament of Victoria the newspapers of the day virtually supplied the only records of the debates of the Legislature.

With the commencement of the Fifth Parliament, however, an independent report was furnished by a special staff of reporters, and issued in weekly parts.

This volume contains the complete reports of the proceedings of both Houses during the past session.

In 2016 the Hansard Unit of the Department of Parliamentary Services continues the work begun 150 years ago of providing an accurate and complete report of the proceedings of both houses of the Victorian Parliament.



## **The Governor**

The Honourable LINDA DESSAU, AM

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC, QC

## **The ministry (to 22 May 2016)**

Premier . . . . .	The Hon. D. M. Andrews, MP
Deputy Premier and Minister for Education . . . . .	The Hon. J. A. Merlino, MP
Treasurer . . . . .	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Employment . . . . .	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade . . . . .	The Hon. P. Dalidakis, MLC
Minister for Industry, and Minister for Energy and Resources . . . . .	The Hon. L. D'Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports . . . . .	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans . . . . .	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries . . . . .	The Hon. M. P. Foley, MP
Minister for Emergency Services, and Minister for Consumer Affairs, Gaming and Liquor Regulation . . . . .	The Hon. J. F. Garrett, MP
Minister for Health and Minister for Ambulance Services . . . . .	The Hon. J. Hennessy, MP
Minister for Training and Skills . . . . .	The Hon. S. R. Herbert, MLC
Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations . . . . .	The Hon. N. M. Hutchins, MP
Special Minister of State . . . . .	The Hon. G. Jennings, MLC
Minister for Families and Children, and Minister for Youth Affairs . . . . .	The Hon. J. Mikakos, MLC
Minister for Environment, Climate Change and Water . . . . .	The Hon. L. M. Neville, MP
Minister for Police and Minister for Corrections . . . . .	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing . . . . .	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development . . . . .	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence . . . . .	The Hon. F. Richardson, MP
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

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Minister for Energy, Environment and Climate Change, and Minister for Suburban Development .....	The Hon. L. D'Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports .....	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans .....	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries .....	The Hon. M. P. Foley, MP
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Attorney-General and Minister for Racing .....	The Hon. M. P. Pakula, MP
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Minister for Women and Minister for the Prevention of Family Violence .....	The Hon. F. Richardson, MP
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**

<b>Member</b>	<b>District</b>	<b>Party</b>	<b>Member</b>	<b>District</b>	<b>Party</b>
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 <sup>2</sup>	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Naphthine, Dr Denis Vincent <sup>3</sup>	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
Britnell, Ms Roma <sup>1</sup>	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John	Morwell	Nats
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David <sup>4</sup>	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Paynter, Mr Brian Francis	Bass	LP
Clark, Mr Robert William	Box Hill	LP	Pearson, Mr Daniel James	Essendon	ALP
Couzens, Ms Christine Anne	Geelong	ALP	Perera, Mr Jude	Cranbourne	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Pesutto, Mr John	Hawthorn	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Dixon, Mr Martin Francis	Nepean	LP	Riordan, Mr Richard <sup>5</sup>	Polwarth	LP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian <sup>6</sup>	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	Kororoit	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

<sup>1</sup>Elected 31 October 2015

<sup>2</sup>Resigned 3 September 2015

<sup>3</sup>Resigned 3 September 2015

<sup>4</sup>Elected 14 March 2015

<sup>5</sup>Elected 31 October 2015

<sup>6</sup>Resigned 2 February 2015

**PARTY ABBREVIATIONS**

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

## Legislative Assembly committees

**Privileges Committee** — Ms Allan, Mr Clark, Ms D’Ambrosio, Mr Morris, 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 Bourman, Mr Elasmr and Mr Melhem.

**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 Kilkenny and Mr Pesutto. (*Council*): Ms Bath and Mr Dalla-Riva.



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## Thursday, 26 May 2016

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

### NATIONAL SORRY DAY

**The SPEAKER** — Order! Today is National Sorry Day. It is a day to commemorate past injustices perpetrated on Aboriginal and Torres Strait Islander peoples. It is a day to renew our commitment to reconciliation with the first peoples of our state and our nation. In honour of this day and all that it represents, I repeat the words of the Victorian parliamentary apology made on 17 September 1997:

This house apologises to the Aboriginal people on behalf of all Victorians for the past policies under which Aboriginal children were removed from their families and expresses deep regret at the hurt and distress this has caused and reaffirms its support for reconciliation between all Australians.

### RESIGNATION OF LEGISLATIVE COUNCIL MEMBER

#### Mr Drum

**The SPEAKER** — Order! I have received the following letter from the Governor, dated 25 May, addressed to me:

I write to advise that I have received the resignation of the Honourable Damian Drum, member for Northern Victoria Region in the Legislative Council.

Accordingly, I enclose the relevant message to you as Speaker of the Legislative Assembly.

I have written to the President of the Legislative Council in like terms and have also advised the Premier of this correspondence.

### PETITIONS

#### Following petitions presented to house:

##### Abortion legislation

To the Legislative Assembly of Victoria:

The petition of concerned residents of Victoria draws to the attention of the house that because of the abortion legislation passed in Victoria in 2008:

abortions are allowed to be performed up to the point of birth

babies in the womb who have reached the age of viability and older are being aborted

it is not necessary for medical care to be provided to babies who have survived an abortion.

there is no obligation for medical professionals to facilitate the provision of access to appropriate services such as pregnancy support, counselling, housing, mental health and other such services for pregnant women experiencing physical or emotional distress.

The petitioners therefore request that the Legislative Assembly of Victoria support the Infant Viability Bill 2015 introduced by Dr Rachel Carling-Jenkins in the Legislative Council to rectify the problems with the current law outlined above.

**By Mr HODGETT (Croydon) (2793 signatures) and Mr McGUIRE (Broadmeadows) (5842 signatures).**

##### Armstrong–Murray streets, Colac

To the Legislative Assembly of Victoria:

The petition of the residents of Polwarth in Victoria draws the attention of the house to the dangerous intersection of Armstrong Street and Murray Street in Colac. The petitioners therefore request that the Legislative Assembly of Victoria support the installation of traffic lights at that intersection.

**By Mr RIORDAN (Polwarth) (2658 signatures).**

##### Christmas carols in schools

To the Legislative Assembly of Victoria:

The petition of residents in the Ripon electorate draws to the attention of the house that the government has imposed the ban on singing traditional Christmas carols in Victorian government schools.

The petitioners therefore request that the Legislative Assembly of Victoria ensure that the Andrews government reverses this decision and allows students attending government schools to sing traditional Christmas carols.

**By Ms STALEY (Ripon) (12 signatures).**

##### Police resources

To the Legislative Assembly of Victoria:

The petition of residents in the Ripon electorate calls on the Legislative Assembly to note that:

there are no longer any police officers stationed permanently in Creswick.

Creswick is experiencing a spate of car thefts and car torching and other crime.

We therefore call on the Daniel Andrews Labor government to ensure Creswick returns to having permanently stationed police officers, including an officer living in the existing police house.

**By Ms STALEY (Ripon) (250 signatures).**

**Tabled.**

**Ordered that petition presented by honourable member for Polwarth be considered next day on motion of Mr RIORDAN (Polwarth).**

**Ordered that petitions presented by honourable member for Ripon be considered next day on motion of Ms STALEY (Ripon).**

**Ordered that petition presented by honourable member for Polwarth be considered next day on motion of Mr HODGETT (Croydon).**

## FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

### Abuse in disability services

**Ms EDWARDS (Bendigo West) presented report, together with appendices and transcripts of evidence.**

**Tabled.**

**Ordered that report and appendices be published.**

## DOCUMENTS

**Tabled by Clerk:**

Auditor-General:

Technical and Further Education Institutes: 2015 Audit Snapshot — Ordered to be published

Universities: 2015 Audit Snapshot — Ordered to be published

*Crown Land (Reserves) Act 1978* — Order under s 17B granting a licence over Lower Reserve

Ombudsman — Investigation into public transport fare evasion enforcement — Ordered to be published

*Subordinate Legislation Act 1994* — Documents under s 15 in relation to Statutory Rules 44, 46

## BUSINESS OF THE HOUSE

### Standing orders

**Ms ALLAN (Minister for Public Transport) — By leave, I move:**

That so much of standing orders be suspended so as to allow each member to speak on the motion in relation to the 2016–17 budget papers for a maximum of 15 minutes.

**Motion agreed to.**

## Adjournment

**Ms ALLAN (Minister for Public Transport) — I move:**

That the house, at its rising, adjourns until Tuesday, 7 June 2016.

**Motion agreed to.**

## MEMBERS STATEMENTS

### Country Fire Authority enterprise bargaining agreement

**Ms McLEISH (Eildon) —** The Country Fire Authority (CFA) in Victoria is extraordinary. Some 60 000 volunteers dedicate an enormous amount of time in the protection of not only their community but also many others around the state. Members and brigades are incensed by the disrespect shown to them by the Premier through his push for an agreement that would hand the United Firefighters Union (UFU) sweeping power over volunteer fire brigades. This is a long-held political agenda. An article in the *Healesville Mountain Views Mail* in September 1982 stated that the Healesville council was strongly opposed to the amalgamation of the CFA and the Metropolitan Fire Brigade.

Our CFA needs to be saved from this Labor Premier and his union mates. There are non-negotiable clauses being sought by the UFU which provide for the removal or to diminish the ability of the chief officer to allocate and deploy resources flexibly and with agility, require the agreement of or provide veto to the UFU over CFA management decisions and restrict or negatively impact on volunteers and brigade administrative support officers.

### Upper Yarra Secondary College

**Ms McLEISH —** I recently attended Upper Yarra Secondary College, where former student Georgia Rokicki was awarded a prestigious MacPherson Smith Rural Foundation Scholarship. The \$45 000 scholarship over three years is awarded to outstanding rural students to help them pursue educational opportunities. Georgia was an inspirational recipient. This was evident in her speech to the current secondary school students. I also had the opportunity to talk with this year's leaders, who were all equally inspired by Georgia's success, as was her mother Christine, who was also in attendance. During her final years Georgia, an A student, was subject to a number of challenges, including the death of her father. Georgia stated that the best thing she did was to put up her hand and ask for

help. This was a very powerful message to the young audience.

### **Ocean Grove Surf Life Saving Club**

**Ms NEVILLE** (Minister for Police) — On Saturday, 14 May, it was with pleasure that I attended the Ocean Grove Surf Life Saving Club annual presentation night. Ocean Grove is one of the busiest beaches in Victoria over summer, when it is inundated with thousands of locals and tourists alike — and of course the club, through its full-time and volunteer lifesavers, does a magnificent job, day in and day out, protecting beachgoers. Currently I am working closely with the club in having its clubrooms upgraded, a project towards which this government has committed more than \$2.6 million. In addition, the club is looking to build a new observation tower that I again fully support, as it will, importantly, provide better line of sight for lifesavers and closer direct communication with the public. I thank and commend president Steve Peatling and all those members of the Ocean Grove Surf Life Saving Club, particularly the many young members, for their ongoing commitment in fulfilling their important duties over the summer.

### **Country Fire Authority Wallington brigade**

**Ms NEVILLE** — On another matter, like the surf clubs, our Country Fire Authority (CFA) brigades do a superb job in protecting local communities, and the Wallington CFA is one fine example. Therefore it was with pleasure that last Sunday I handed over the keys of a new tanker to brigade captain Craig Warren. The new tanker carries up to five firefighters along with equipment and can cover rugged terrain — firefighters were able to use it in Wye River recently — due to its 4 x 4 handling. Importantly it incorporates spray protection and fire curtains. The government contributed \$310 000 towards its acquisition, and the local brigade raised \$50 000. I thank all members of the Wallington CFA for their work and ongoing commitment in protecting people and property on the Bellarine Peninsula.

### **Margaret Redmond**

**Mr McCURDY** (Ovens Valley) — Congratulations to Wangaratta's Margaret Redmond, who received an Outstanding Achievement award in this year's Minister for Health Volunteer Awards. Margaret has been volunteering with Meals on Wheels for more than 40 years and has no plans to retire. She was one of just 16 health service volunteers from across the state to be honoured with the award. Thank you, Margaret, for the countless hours you have given to Meals on Wheels

and the difference you have made to many people's lives.

### **Ovens Valley electorate volunteers**

**Mr McCURDY** — It was an honour to be part of the activities across the Ovens Valley electorate recently that celebrated the contribution of our volunteers. As we all know, volunteers are a vital part of the fabric of our towns and communities, of all our communities and particularly of those in the Ovens Valley. Many of our clubs and organisations would simply cease to exist without the ongoing efforts of volunteers.

In the Ovens Valley electorate we have volunteers freely giving of their time in a diversity of sectors, including health and welfare, emergency services, arts and culture, heritage, environment and conservation, sport and recreation, education, overseas aid, religion, animal welfare, human rights, and youth development. Just a few examples locally are those who put Wangaratta on the music map, volunteering at the jazz festival, those who save lives collecting for the Royal Children's Hospital Appeal and those who help protect our communities by joining the local Country Fire Authority. On behalf of the Ovens Valley community, I say thank you.

### **Appin Park Primary School**

**Mr McCURDY** — It was great to be able to participate in the Appin Park Primary School bike ride again this year. The annual bike hike finished off the school's bike education program, and it was great to see so many kids cycling safely, enjoying the great outdoors and exercising. Students rode 60 kilometres from Wangaratta to Greta, which was a great achievement, while others took shorter courses towards Glenrowan. Well done to principal Wendy Larcombe and all involved.

### **Family violence**

**Ms RICHARDSON** (Minister for the Prevention of Family Violence) — Our government has begun the significant challenge of reforming our broken family violence system following Australia's first royal commission. Yet we know that family violence is a harm that transcends Victoria's borders. Family violence impacts every community and rightly has been described as a national emergency. As highlighted by the Royal Commission into Family Violence, the commonwealth government holds considerable levers that are necessary to reduce the harm of this violence, one of which is family law. The commission heard of

the fragmentation between state courts and the federal family law courts, which has resulted in victims' experience of family violence not being given sufficient weight in family law matters, and has called on federal and state governments to work together to implement a range of practical reforms.

Rosie Batty is leading a campaign of her own. Her five-step plan to reform family law needs the attention of all parliamentarians, particularly those in Canberra. Backed by over 90 family violence advocates and organisations, Rosie Batty has called for the removal of the right of alleged abusers to cross-examine their victims in family law disputes, for the courts to consider any family violence history when considering property settlements and for the need for specialist family violence training for judges. In addition to more legal support for victims, Rosie has called for support for alternative conflict resolution models such as mediation with specialist family violence workers. Most importantly, the plan calls for a greater focus on children's safety and less on equal shared time when considering custody matters.

I urge all members of the house and the community to join Rosie's campaign so that the safety of victims and their children becomes everyone's principal consideration.

### **South Morang playground**

**Ms D'AMBROSIO** (Minister for Suburban Development) — I recently had the pleasure of representing the Minister for Local Government to turn the soil on a project for my local community. The McMillan Run Park playground is an inclusive nature-based play space for all ages within a new housing development in South Morang.

What is particularly wonderful about this project is the community input. We received a petition from the local community highlighting the urgent need for this important recreational and play asset for these children. The Andrews Labor government responded, putting \$260 000 towards the project as part of the Interface Growth Fund. The Andrews government recognises that councils like Whittlesea are facing a number of challenges, and this funding demonstrates our commitment to the changing nature of diverse communities living in some of Melbourne's fastest growing areas. Not only will the project provide space for kids to play, but it will also be a safe social gathering space for the local community, including those members who experience mobility issues.

The Interface Growth Fund targeted high-priority projects like this that improve the amenity, livability and resilience of communities living in Melbourne's outer suburbs. I am so pleased that this year's budget has a \$50 million top-up in what is now called the Growing Suburbs Fund. I congratulate Minister Hutchins for shepherding that through the budget process. I am very proud that this government is supporting community connections, enhancing services and providing local jobs. I want to thank the local residents, Minister Hutchins and the City of Whittlesea on this and other projects that have been funded through the Interface Growth Fund.

### **Western Port basketball stadium**

**Mr BURGESS** (Hastings) — The Somerville and surrounding community was devastated by the destruction of the Western Port basketball stadium by a fire that occurred at the Somerville Community and Recreation Centre on 1 May. More than 50 firefighters and 16 units battled the blaze, which began at around 7.30 a.m. The fire was well alight when Country Fire Authority crews from Somerville and surrounding brigades arrived. Little could be done to save the stadium, which was so badly damaged that it had to be demolished. The quick response and brave actions of our local volunteer firefighters resulted in areas of the attached administration building being saved. The stadium was used by thousands of participants across a range of sports each week. It was home to the Western Port Steelers and hosted state-level basketball games.

Western Port townships are part of a broader tight-knit and supportive community, and it was therefore not surprising to learn that within hours of the stadium being destroyed local community sporting groups had donated enough courts and other facilities to house all scheduled games. I have already met with the Mornington Peninsula Shire Council, a range of community groups and service providers, and local community leaders to ascertain the wishes of the community regarding the rebuilding of the stadium and to ensure that, whatever the configuration of the replacement facility, its construction is commenced as quickly as possible.

### **Minister for Housing, Disability and Ageing**

**Mr BURGESS** — On a number of occasions this year I have written to the Minister for Housing, Disability and Ageing on behalf of local constituents. Not only have I not received proper responses, but I do not receive copies of what has been said by the minister. The minister needs to learn that there is an accepted protocol that allows MPs to do their business

at the local level. I call on the Premier to speak to the minister and get him to follow proper protocol.

### Les Hayes

**Mr BROOKS** (Bundoora) — I rise today to pay tribute to Leslie Thomas Hayes, who sadly passed away on 28 April. Les Hayes was born in Port Melbourne on 27 November 1927 but spent most of his early life in Pascoe Vale. He studied to be a youth leader, which enabled him to open a boys club at his local church. He moved out to Greensborough, buying a block of land in 1949 with his wife, Marg, in Stowe Avenue, Greensborough. He went on to establish and run a well-known dry-cleaning business in Greensborough for many years. As a member of the local Methodist Church, Les put his skills to work and started a boys club there, which commenced on 2 July 1953. A typical night at the club would consist of competitive games, gymnasium, cross-country runs or swim nights. Amongst other things, he also ran barbecues, pie nights and camps.

In 2000 the club changed its name to the Greensborough Uniting Church Primary Club and welcomed girls to become a key part of the club. At this time Les switched from teaching to serving as secretary, and he retired from leadership in 2013. I know how valuable the primary club was to local kids, as two of my own children had great fun developing gymnastic skills there and making new friends. Despite not being members of the church congregation, our family, like so many others, was warmly welcomed.

Les was a remarkable man with an amazing passion for serving his community, marked by over 60 years of running youth clubs. All who have been associated with Les have appreciated his dedication and service to the young people of his community. It is people like Les who enrich our communities. Thank you, Les. You will be greatly missed, but your work has made a real difference in our local community.

### Police resources

**Mr KATOS** (South Barwon) — No-one in this chamber can spread untruths and misinformation better than the member for Bellarine. In question time yesterday the minister said the following:

Can I say, I remember the commitment that the former Liberal government made in 2010, then in opposition, when it said, 'Oh, we want to put 70 more police into Geelong'. You know how many it did? None.

Well, as the saying goes, do not let the facts get in the way of a good story. Here are the facts. In November

2010 western region division 1, which covers Geelong and the Surf Coast, had 345 police officers. In November 2014 western region division 1 had 416 police officers. That is an increase of 71 officers. By the minister's very own words, the coalition actually delivered on its commitment for 70 additional police officers in the Geelong region.

Those on the opposite side of the house seem to think it is a joke and laugh and snigger when the opposition raises very serious issues about the lack of adequate police numbers and increases in crime that are out of control. The government just does not get it. People are not feeling safe in their own homes. In my electorate of South Barwon the Torquay and Waurin Ponds police stations are substantially under-resourced. Burglaries of homes and businesses are out of control, as are aggravated burglaries, as well as thefts of motor vehicles. These gangs are so brazen they steal motor vehicles and then go and do burnouts outside several police stations in Geelong, knowing that because of the ridiculous no-pursuit policy they cannot be touched.

### National Volunteer Week

**Ms WILLIAMS** (Dandenong) — From 9 to 15 May we celebrated National Volunteer Week to acknowledge the generous contribution of Australia's volunteers. This year carried on the 2015 theme of Give Happy, Live Happy, which explores mounting evidence that volunteers live happier and healthier lives. As the Parliamentary Secretary for Carers and Volunteers I am very fortunate to meet frequently with dedicated volunteers and volunteer-involving organisations. It never ceases to amaze me how reliant we are as a society on the efforts of volunteers across so many sectors.

Volunteers strengthen our health services, they are at the heart of our sporting clubs and they are the engine of our emergency response to disasters that impact us across all seasons, whether it be fire, flood or storm and everything in between. Volunteers sustain our community services, they support our children, they care for our environment and they look after the most vulnerable and marginalised in our communities.

National Volunteer Week was so big this year that its events spread over two weeks. I was fortunate to participate in volunteer recognition events at the Red Cross in North Melbourne, at the City of Greater Dandenong and at Laverton Community Integrated Services. I also attended the launch of the HelpOUT emergency volunteering program in Geelong with the wonderful Craig Lapsley and others involved in emergency management.

I am very proud to chair the Ministerial Council for Volunteers and to work with a strong team of people who represent almost every corner of the volunteer sector. Their insight and passion are second to none, and as we have worked through the work plan for the council and its subcommittees, I have been so impressed by their commitment to improving community and government understanding of the sector and gaining greater support for volunteers across the state and the organisations that both sustain them and rely on them.

### **Dairy industry**

**Ms SHEED** (Shepparton) — I rise to speak on the dairy crisis. Yesterday's rally on the steps of Parliament House was an opportunity for dairy farmers and their supporters from across the state to express their anger, frustration and distress about the current situation, which has primarily been brought about by the sudden drop in milk prices announced by Murray Goulburn, followed by Fonterra, several weeks ago. Suppliers and local communities are extremely disappointed in the behaviour of these two companies in relying on the clawback provisions in their supplier agreements to ensure that the losses of the last year are visited home directly to the dairy farmers. And indeed this is in circumstances where most of the other companies taking milk from our dairy farmers have chosen to maintain their price through to the end of this financial year.

Irrigators in the Goulburn-Murray region are also faced with poor prospects for the opening of the irrigation season, and the recent rains have done little to alleviate concerns about water availability. I attended the Farmpower meeting organised at Tongala last Thursday night. Ian Reid of Reid Stockfeeds talked of the serious impacts for his business and other businesses that would need to have their bills paid to survive. Rural financial counsellor Tom Chick urged farmers to take stock of their own situation and to look out for themselves, their neighbours and friends. Government support packages will be welcomed, but there are many questions that still need to be answered.

### **Deer Park North Primary School**

**Ms KAIROUZ** (Kororoit) — Last week I had the pleasure of visiting the Deer Park North Primary School showcase. The showcase was presented by students in years 5 and 6 and focused on the science experiments that the students had been doing at school. It was wonderful to see so many different and interesting experiments on display. There were model houses, horticulture displays and biology projects. I was

pleased to see how much the students cared about our local environment in their interesting displays on habitat, air pollution and photosynthesis. There were also some colourful projects about volcanoes.

I would like to thank the students at Deer Park North for inviting me to their showcase. In particular I thank Grace, the year 6 student who took the time to email me an invitation. I would also like to thank Kate Zemunic and all the dedicated teaching staff at Deer Park North Primary School who organised the showcase.

### **Australian Multicultural Community Services**

**Ms KAIROUZ** — On another matter, earlier this month I was delighted to attend the Australian Multicultural Community Services (AMCS) women's leadership and empowering training program awards ceremony, led by Madonna Awad. AMCS does a lot of important work in communities in Melbourne's west. The women's leadership and empowering training program is a program that helps women from culturally and linguistically diverse backgrounds to develop leadership skills, enhance their employment opportunities, get involved in short courses and improve their English and computer skills. Programs like this are so important to multicultural communities, and I would like to thank AMCS for inviting me to this important event.

### **Dairy industry**

**Mr D. O'BRIEN** (Gippsland South) — The current dairy price crisis has brought out the best and the worst in Victorians and our agricultural and political leaders. The devastating retrospective price cuts implemented by Murray Goulburn and Fonterra will have a dramatic impact on dairy farmers, towns and businesses in my electorate. There is no doubt times will be very tough, and it is right that both state and federal governments provide support. The state government support is a step in the right direction, but it should now be working towards business relief for dairy farmers, and the most immediate thing it could do is provide assistance with paying council rates. A 50 per cent subsidy as the Labor government did during the millennium drought would be a good start. Yes, this will be costly, but the government is boasting about its \$2.9 billion surplus, and rate relief would have a huge cash flow benefit for dairy farmers.

Like many others in this place I was happy to go out and support the dairy farmers who marched on Parliament yesterday but was dismayed at the quality, tone and source of some of the speeches. The organisers are misleading our dairy farmers with their

misguided calls for a 50 cent levy on fresh milk purchases or a floor price for milk. Just 10 per cent of Victorian milk goes into the fresh market. The majority is exported or goes to other products like cheese, yoghurt and cream. And how would the proceeds be distributed? For evidence of the folly of a floor price, just google 'wool floor price scheme'. Some of the senators and would-be politicians who were allowed to speak were disgraceful, blaming everyone and everything except the real cause — a global dairy market slump and Murray Goulburn and Fonterra — and failing to offer any useful solutions of their own. Farmers need a fair price for their product, not grandstanding.

On the positive side, the response of Victorians has been heartfelt and warm, particularly on social media, with many showing their support for our farmers and pledging to buy branded products, which it is argued deliver more value into the supply chain and therefore back to the farmers. This is somewhat simplistic, but given the source of the problem it is great for farmers — —

**The ACTING SPEAKER (Mr Angus)** — Order!  
The member's time has expired.

### **Maria 'Marisa' Strydom**

**Mr CARBINES** (Ivanhoe) — It is sad to report that experienced climber Dr Maria 'Marisa' Strydom, 34, died on Mount Everest on Saturday as she and her sherpa tried to descend to safety. Her husband, Ivanhoe East veterinarian Dr Rob Gropel, was also on the track and suffered high altitude sickness. Reports state that she suffered from a 'lack of energy and weakness' and had to turn back while the rest of her party went to the summit. Reports further state:

... Dr Strydom and her guide got back down to camp 4 that night but her tiredness and lack of energy continued despite being given oxygen.

Finally, at an altitude of 7800 metres 'she could not resist anymore; she stopped breathing right there ... Dr Gropel's father, Heinz Gropel, said he would he was planning to fly to Kathmandu to be with his son once his evacuation of the mountain was confirmed.

'He is, of course, hugely shattered' —

Mr Heinz Gropel is quoted as saying —

'His wife has died and he was there at the time and he blames himself'.

The Ivanhoe community salutes Dr Strydom's passion to pursue her dreams and her courage. The thoughts of

the Ivanhoe community are with her husband, Dr Gropel, and Dr Strydom's family in Ivanhoe East.

### **Merv Lincoln**

**Mr TILLEY** (Benambra) — Wodonga-raised athlete Merv Lincoln was the 11th person in the world to run a mile in under 4 minutes. He was born in Leongatha and raised in Wodonga and passed away on 1 May at the age of 82.

In the 1950s Mr Lincoln's name was synonymous with one of Australia's greatest running rivalries, and he gained fame across the country for his races against Herb Elliot. He qualified for the 1500 metres final at the 1956 summer Olympics in Melbourne. Perhaps his finest running moment was in Dublin in 1958, when he came second to Elliot but also beat the then world record. He married his childhood sweetheart, Tangambalanga girl Dawn Waite, in 1959 and they had three children.

Former Victorian Governor John Landy said of Mr Lincoln:

I remember him as a very humble person ...

He was a very cheerful positive person, despite any frustrations he had in running against the greatest 1500-metre runner in the world ...

Herb Elliott said:

Merv was gentle and polite, well-mannered and considerate, but tough enough to drive himself to the full extent of his physical limits ... Of all my competitors he was the best.

After graduation Mr Lincoln worked as a teacher before building a successful career in financial services and broadcasting. He returned to study at the Melbourne Business School — first getting a master of business administration — where he taught from 1969 to 1984 and received a PhD, with his thesis providing the academic basis for much of modern debt and insolvency ratings.

The Albury-Wodonga community recognised the significance of Dr Lincoln's achievements when it named the road linking Albury and Wodonga the Lincoln Causeway in 1961. Everyone drives on this road on occasion, but newcomers to the area may not be aware — —

**The ACTING SPEAKER (Mr Angus)** — Order!  
The member's time has expired.

### **Environment, Natural Resources and Regional Development Committee Fiskville inquiry**

**Ms HALFPENNY** (Thomastown) — During the Fiskville inquiry I was approached by a number of individuals living in the Thomastown electorate who were Country Fire Authority (CFA) volunteers and who gave me very good information and advice about the CFA Fiskville training college. I thank them for their help and also for the work they do in our community. In particular I thank one man, Ken, who in spite of ill health and an uncertain future continues to do so much for us in his invaluable work with the RSL.

I also would now like to thank properly all the staff of the secretariat. The Fiskville inquiry was a difficult one, and there were many staff changes. Thank you to Greg Gardiner, Kelly Butler and John Aliferis, who laid the foundations for this report. Also the support staff: Matt, Christianne, Emily and now Kieran Crowe, who has done a great job organising us all. I thank Janine Bush for her advice and expertise in overseeing the special report. Thanks to Keir Delaney for steering the final stages of the committee; Patrick O'Brien and Anita Mackay for their impeccable research and writing; and the many paralegals needed to go over all the thousands and thousands of discovered documents. A special thank you to Peter Rozen for his advice and care. His expertise was crucial in this inquiry. He was also a great help to me in bouncing off ideas.

Thank you to the member for Ovens Valley. I believe we worked well together. He made a really worthwhile contribution, along with Daniel Young, a member in the Legislative Council, the member for Benambra and Simon Ramsay from the Legislative Council, who, while we did not always agree, was very considered in his views and perspective.

Finally, I would like to express my deepest gratitude for the work put in by the members for Eltham and Mordialloc, who, in spite of being in very marginal seats and having other committee duties, worked so hard on this inquiry with such care, compassion and conviction. They were unwavering in their efforts to seek out the truth and try to make things right.

### **Liberal Party Glen Huntly branch**

**Mr THOMPSON** (Sandringham) — This year, 2016, marks the 60th anniversary of the outstanding contribution of a group of Australian citizens who, in the wake of 100 000 Australian war dead, in the height of the cold war and the march of communism, valued freedom, enterprise, democracy and the rule of law. They understood that these values could not be taken

for granted. They willingly gave of their time to attend community meetings, advocate good ideas and work on election campaigns. They supported and valued the principled leadership of multiterm governments and saw the returned Menzies, Bolte, Hamer, Fraser, Kennett and Howard governments contribute to nation building. An economic framework for people to have a job and own their own home was an important political objective.

I pay tribute to the dynamic long-term leadership, entrepreneurship and keen-minded initiative of people such as Leo King, Jim Logan-Bell and Merlyn Logan-Bell, who have contributed their ideas, goodwill and countless hours to advance the cause of good government and free enterprise. According to the minutes of the first meeting of the Glen Huntly branch of the Liberal Party at the Ormond pavilion on 21 March 1956, it is recorded that, 'Mr Eric Hayman, the newly elected chair, invited Mr Thompson to address the meeting, and he gave a splendid account of the work of this government under Mr Bolte's leadership'. May the future minutes of the Glen Huntly branch record the same narrative under the leadership of the Leader of the Opposition and oratory of the member for Caulfield.

### **Vietnamese government**

**Mr DONNELLAN** (Minister for Roads and Road Safety) — I want to raise an issue which has been raised with me by the Vietnamese Community in Australia, Victorian branch. It relates to the poisoning of the people of Vietnam along the coastline in the various regions of Hue, Quang Nam, Quang Tri, Quang Binh and Ha Tinh — all cities near the coastline and all cities that rely on fish for food and employment. The Vietnamese government has allowed the release of untreated water from a major steel plant. This has effectively poisoned various people, has poisoned the fish stock and taken away the livelihoods of many of those communities.

While the Vietnamese government has failed comprehensively to deal with this untreated water, it has also decided to cut off social media to ensure that the communities cannot communicate with one another and they cannot communicate with the outside world about this disgraceful abuse of the environment in Vietnam. The fact that the Vietnamese government has allowed a steelworks to release untreated water, allowed its own people to be poisoned and allowed their livelihoods to be taken away is an utter disgrace, and the fact that the government there is more focused on shutting down communications with the outside world as opposed to actually dealing with this serious

issue, where people are literally starving and do not have a livelihood, is an utter disgrace. I call on the Vietnamese government to do the right thing by its people.

### **Deb Rielly and Gavin Slavin**

**Mr PAYNTER** (Bass) — Today I rise to congratulate Deb Rielly and Gavin Slavin from Keeping Kids on Track and Bass Coast Barracoutas. Deb and Gavin organised an event at Archies Creek Hall on Saturday, 14 May, to thank all the volunteer organisations that contributed to the Keeping Kids on Track fun run and Bass Coast Cycle Challenge. Awards were given to Wonthaggi Primary School, Wonthaggi District Athletics, Powlett River Primary School, Dalyston Football Netball Club, Wonthaggi Boxing Club, Bass Coast Specialist School, Cape Paterson and Wonthaggi surf lifesaving clubs and Wonthaggi underwater hockey. Well done to both Deb and Gavin for bringing together many of our community groups and for providing opportunities for their members to participate in events that create social connectedness.

### **Growing Cambodia**

**Mr PAYNTER** — On Saturday, 21 May, I attended a trivia night at Phillip Island Golf Club for a not-for-profit organisation, Growing Cambodia, organised by Steve Davie. Growing Cambodia's purpose is to encourage a better and more sustainable quality of life for children and their families living in rural Cambodian villages. The fundraiser brought together over 300 people and raised over \$16 000. I have visited rural Cambodia a number of times and know that \$16 000 will go a long way. Congratulations to Steve Davie and the organising committee on a successful event.

### **Frankston Dolphins**

**Mr EDBROOKE** (Frankston) — Congratulations to the mighty Frankston Dolphins. Frankston won its first game in the Victorian Football League for nearly two years after beating Richmond by 13 points at Frankston Park on 23 April. The Dolphins conceded the first six goals and trailed at every change, but came home strong to knock the Tigers off 14.15.99 to 13.8.86. The last time Frankston won a game was in July 2014 — 636 very long days ago.

The club also made a bold move to surrender its gaming licence last week. Its machines have been surrendered to the state, and that will remove 27 poker machines from the club and our community. This is a

positive move that will ultimately help to create a more family-friendly club.

### **Frankston Park**

**Mr EDBROOKE** — Frankston Park is the home ground of the Dolphins. The ground has a capacity of 5000 and includes a 1000-seat grandstand. The Frankston football club has a fully licensed social club overlooking the oval, capable of seating 250 people. Events other than AFL utilise the grounds including the Festival of Rugby, music festivals, carols by candlelight and memorial services. On the morning of 13 February 2008 the Frankston football club's historic grandstand, named after stalwart Bryan Mace, was destroyed by fire. This grandstand had been there since the early 1930s and was an icon of the local community. In 2013 it was announced by the now Minister for Education and Deputy Premier that the club would expand its social rooms and function centre, allowing for 370 patrons downstairs and a further 220 seated patrons upstairs. Funding was provided by the Victorian state government, the AFL, AFL Victoria and Frankston City Council. The building officially opened in 2015.

### **Dairy industry**

**Mr RIORDAN** (Polwarth) — Agricultural diversity is a long-term strength in Polwarth. As a result of climate and topography communities across Polwarth have been able to survive and prosper because of good land and good management. Over recent weeks we have seen the good management of one of our major agricultural sectors let down badly by poor management at a corporate level. The dairy industry today is highly reliant on the fortunes of the export market. Dairy companies since deregulation have worked with and encouraged farmers to expand their farms and to grow output. Many farmers have rightly relied upon the direction of the companies they are tied to with supplier agreements. Farmers are expected to do the right thing, grow their output, improve their farms and be competitive.

Likewise the big two dairy companies, Murray Goulburn and Fonterra, are expected to manage the markets and to give the farmers direction on market conditions. The promoted milk price is the indicator that is supposed to direct production and guide the farmer in decision-making. The unexpected price clawbacks announced recently will suck hundreds of millions of dollars out of rural communities. Not only will hardworking farming families be left to carry the cost of inexplicable corporate governance by two large companies but other small and medium businesses that

employ thousands of people across Polwarth will also carry the burden.

Like with all industries, the government must work with the dairy industry to restore confidence and faith in what can and should be a major economic driver in country communities. The mistrust and fear that is currently in the industry must be repaired. Polwarth dairy farmers are among the world's best. They deserve to be treated with respect, and their industry needs its confidence restored.

### Federal Leader of the Opposition

**Mr PEARSON** (Essendon) — I was delighted to see the federal Leader of the Opposition, the Honourable Bill Shorten, in Puckle Street, Moonee Ponds, yesterday, where he was greeted by adoring fans, as you would expect. I look forward to him being the next successful Australian Prime Minister.

## LIVESTOCK DISEASE CONTROL AMENDMENT BILL 2016

### *Second reading*

#### **Debate resumed from 25 May; motion of Ms ALLAN (Minister for Public Transport).**

**Mr WALSH** (Murray Plains) — When the debate was interrupted for the adjournment last night I was concluding my comments about the traceability of sheep in Australia, the need to improve the systems around that and the fact that we do have an electronic system that has been in place for cattle for probably 15 years or more now. There is a paper-based system there for sheep and, in my view, over time, with industry support and with government assistance to cover the cost, there needs to be a move to electronic identification of sheep as well to make sure we have that very good traceability in case of a biosecurity outbreak, particularly around something like foot-and-mouth disease.

In my contribution last night I went through in detail the issues around the movement of sheep in the UK and the fact that it was sheep and the movement of sheep that actually spread the foot-and-mouth outbreak in 2001 that led to disastrous effects for the industry there, particularly for the people and the economy of the UK.

While saying we need the traceability of sheep in that form, there are also significant management benefits for sheep producers, and we have seen some very good examples of businesses and families using electronic identification of sheep for management decisions. The de Fegely family in Ararat would be a very good

example where they are using that particular technology for management decisions that are helping their business.

It is not going to be the large commercial farmers where there is likely to be a disease outbreak in the future. The real threat in these sorts of circumstances is more around hobby farmers and smaller farmers closer to urban areas. The mob-based system probably works well for the larger operators but not necessarily as well for the smaller hobby farmers and those that might come and go from the livestock industry. So we need to have a system that is there for all livestock producers regardless of the scale of those businesses, because, as I said, I think there is a risk that it will be a smaller farmer that possibly does not necessarily identify what may or may not be happening with their flock and may not necessarily have the appropriate paperwork, the appropriate property identification code — the PIC number — and those sorts of things into the future.

In finishing off on the legislation, I note we all know how important biosecurity is to Australia, and can I actually commend the now Deputy Prime Minister for what he did with Johnny Depp's dogs.

#### *Honourable members interjecting.*

**Mr WALSH** — People laugh on the other side. I think it has sent a very strong message to the rest of the world that our biosecurity borders are not negotiable. It does not matter if you are a multimillionaire film star and you have your own private jet, if you want to bring your two dogs, Pistol and Boo, into Australia, exactly the same rules apply to you in Australia as anyone else. That was a really good message to send through. And I noticed last night or the night before that Johnny Depp was still doing TV shows in the UK complaining about Barnaby Joyce and making, I think, uninformed and rude comments about Mr Joyce at the time.

It is actually working in Australia's favour that this issue is still being talked about. I think we have had the best free advertising campaign ever that says that Australia's biosecurity rules are non-negotiable. It has been great. Everyone now knows, through social media and the mainstream media, that if you bring a dog into Australia or do something wrong to breach Australia's biosecurity, the law will apply to you, no matter who you are. As Barnaby said of the video that Johnny Depp and Amber Heard had to do as an apology as part of their conviction by a Queensland court, if that was his best acting ability, I wonder why anyone ever pays Johnny Depp to do it. If that was his best acting ability, it was very, very poor. Barnaby made a comment at a function I was recently at. He said to me that Johnny

Depp looked like a kidnap victim who was making a video to try to get let out of that particular situation. He looked so guilty over what he had actually done in that particular issue.

When we talk about biosecurity and the things that this bill does, it is important to remember that our biosecurity laws in Australia are non-negotiable. We have a responsibility, whichever side of the house we sit on, to make sure we maintain a disease-free status in a whole range of areas. We are very fortunate in one way because we are an island country. We have our national borders, and we have a lot of sea surrounding us. There are the risks of threats from Papua New Guinea and Indonesia, which are relatively close by sea. There are a number of significant diseases in those countries, and there is always the risk that they can be brought across by people who want to breach our biosecurity laws, but in general being an island state helps us.

To finish off I say, 'Well done, Barnaby Joyce'. It does not matter who they are, the rules apply to them, and I think you did a fantastic job in promoting to the rest of the world that our biosecurity is non-negotiable. The opposition is not opposing this particular piece of legislation. As I said, there are not many pages, and there is not a large number of clauses, but there are things in it that are very important to industries that are worth billions and billions of dollars to Australia.

**Mr HOWARD** (Buninyong) — I am pleased to speak on the Livestock Disease Control Amendment Bill 2016. As people on both sides of the house would be aware, the livestock industry across this country is very, very important to the people who work within that industry, which provides their income, their lifestyle and so on. It is also important for export and economic opportunities for this country.

Given that we are an island country, we have been in a fortunate position of not being vulnerable to diseases that can come into our country easily, and therefore we have been able to market our produce both domestically and internationally on the basis that it is disease-free stock and people should be able to buy, eat and enjoy it, knowing that their human health is safe and that their own livestock are not likely to be under threat from our livestock coming into their area.

We have to, of course, ensure that we are not complacent about this. Here in Victoria we certainly have not been complacent, and generally across this country we have been very sound in ensuring that we use the best technology and we review legislation regularly to ensure that it is the best legislation to back

up good procedures and ensure our best chances of keeping our livestock free of disease so that our industry continues to maintain a high standard as a disease-free industry.

As we heard from the Leader of The Nationals, from instances of foot-and-mouth disease in Great Britain not too many years ago we know the devastation they caused to the economy of Great Britain. We also know — and anybody who keeps livestock would know — that these outbreaks do not just affect you economically; they are devastating if you are a cattle breeder and have to have your livestock destroyed because of something that is beyond your control — a disease that has been detected in your area.

Of course livestock breeders have been devastated in the past when outbreaks of foot-and-mouth or other serious diseases have occurred in their area, so we want to ensure that that does not happen either and that our cattle breeders and other livestock breeders can feel confident that our legislation and practices provide good opportunities to enable them to maintain their high standard of animal wellbeing.

Through my time as cattle breeder myself in the past I am certainly aware of a number of the issues and of some of the progress we have made over the years. The national livestock identification scheme came into play, where we had to tag our cattle, which was an upgrade of just having to put tail tags on them when they went to market. Those permanent ear tags in cattle help in tracing those cattle wherever they are. We have been looking at the opportunities for having ear tags for sheep, but that is of course more challenging when there are so many more sheep and a unit of sheep costs less than a unit of beef. So there are challenges associated with that, but clearly we have traceability involved in the paperwork whenever sheep come to market or are transferred interstate or more generally. So we need to ensure this is kept up to date.

This legislation has several parts to it, as the Leader of The Nationals said. One part is to align the paperwork trail — the traceability scheme for livestock — as it were, with agreement from the other states so that we operate in the same way. This slight change will in fact simplify the paperwork trail — the traceability identification scheme — and place less requirements on landholders and others along the way, while still keeping it very practical. There are also changes in regard to swill feeding of pigs. We know that there have been concerns raised again with regard to mad cow disease in Britain. We know that if livestock are able to eat other mammalian material, there are great risks involved, and so we are trying to ensure that that

cannot happen within our pig industry — that pigs cannot be fed other mammalian material. These are concerns that are clearly brought to bear in this legislation in order to keep our legislation base at the forefront. I am very pleased to say that Victoria continues to do so.

In speaking today I feel particularly qualified in that only this Monday I had challenges on my property when one of the alpacas I bought for my children for Christmas became ill, and I had to keep faith with my children and get the vet out. Sometimes of course you know that it is not necessarily economically viable to get a vet out, but on this occasion I did so that I did not have my children in such distress saying, ‘Daddy, Daddy, do something. Do something’. I am not quite sure what the outcome will be with the alpaca, but clearly the vet was able to provide it with some antibiotics. She assured me it was not a major exotic disease that the alpaca was suffering from but possibly old age. I will be following up with the person I purchased this supposedly young alpaca from less than a year ago to seek potential recompense and to have them recognise the distress it has caused my children, and in turn myself, in having a diseased and ill animal in my care.

Getting back to the nature of this legislation. Clearly this country needs to be vigilant in every way possible to ensure that we keep the best practices in place. Through what was the department of agriculture before it was subsumed into the Department of Economic Development, Jobs, Transport and Resources, we have run some very sound facilities, such as the animal health laboratory in Geelong and other laboratories here — —

**Mr Walsh** interjected.

**Mr HOWARD** — The animal health laboratory in Geelong is under the commonwealth, of course, but it is in Victoria. Through the department we have our other facilities in the north of Melbourne, which are at the forefront of being able to test for potential diseases that come into this country and therefore are at the forefront of being able to develop the best response mechanisms should there be any detection of a disease that needs to be tested for quickly and eradicated. Within the poultry industry disease can move very quickly — avian flu and other things — so we need to have good testing facilities in this state and good reactive capability as well as the proactive capability that we are providing through this legislation.

I am pleased to see that this legislation brings us up to date and keeps Victoria at the forefront in regard to

protecting our livestock industry, protecting the people who are involved in the livestock industry from unnecessary stress and ensuring that people comply with appropriate regulations in terms of identifying the transfer of stock as it may happen around the state so we can identify any problems as quickly as we can to ensure that we maintain this vitally important economic industry and ensure that the community can continue to be confident. Whether in Australia and Victoria or overseas, people who eat our livestock products will know that the product coming from Victoria, and more broadly Australia, is quality livestock. I am very pleased to see that this minister and this government are continuing to be very proactive in this area.

**Ms SHEED** (Shepparton) — I rise to speak in support of the Livestock Disease Control Amendment Bill 2016. This bill represents a further amendment to the Livestock Disease Control Act 1994 and provides for a number of consequential amendments across a range of various areas, including to the provisions relating to vendors declarations. It is worth looking at the purpose of the principal act in considering the amendments here today. The main purpose of the primary act was to provide for the prevention, monitoring and control of livestock diseases and to provide compensation for losses due to certain livestock diseases.

On researching this bill, it appears that the original act was introduced in 1994 following a national review of Australian legislation back in 1989 relating to the incursions into this country of exotic diseases. One of the main purposes was to achieve uniformity throughout Australia, across all the states and territories. That was seen as a very desirable thing, and of course it is.

I note from a reading of the original second-reading speech that the 1994 legislation was also designed to consolidate five other pieces of legislation that existed in this area. The issue of disease control in our agricultural industries is of major importance and was one of the drivers for the passage of the original consolidating legislation. There have been numerous amendments over the following years to ensure that the legislation is up to date. Back in 1994, it is to be noted that the first account of the Hendra virus in horses was when it was identified in Queensland, which has continued to be a major source of concern.

The original bill was also designed to strengthen the identification process for livestock so as to enable tracing of animals across the country. This leads me to the new section 8A(1), which requires an owner of livestock to make a vendor declaration as to the

movement of the livestock before it is moved from one property to another. Penalties are applied for failure to do so.

Section 8A(2) sets out the requirements in relation to the information that must be contained in a vendor statement. The requirement for a vendor declaration appears to have been inserted by amendment over the years, and we now have a new definition of what is required. The vendor statement provides for the provision of a range of required information, including the property identification code that identifies the property from which the livestock are to be removed and the date on which the livestock are to be moved, the number of livestock being moved, the name and signature of the person making the declaration and the intended destination of livestock and any other prescribed particular. So we can see that this is regarded as a very important factor in tracing, monitoring and seeing where our livestock are throughout the country.

Here in Australia we have a number of diseases to be very concerned about. Firstly, let me talk about anthrax. It has been recognised as a disease in Australia for over 150 years, and it causes sudden death in animals, particularly sheep and cattle. A dairy cow in my electorate died from it just last year, in the region of Tatura. It is a disease that is also transmissible to humans, and in our local health service we have an isolation room which indeed had to be used to isolate a farm worker who was thought to be infected at the time with the disease.

Another major disease that arises in agricultural areas is bovine Johne's disease. It is a fatal wasting disease of cattle, goats, alpaca and deer — I hope my friend over there's alpaca does not have that disease. Bovine Johne's disease is far more common in dairy herds than in beef herds. It is a disease that can have severe economic impacts if it is left uncontrolled. In Victoria around 25 per cent of dairy herds are known to be infected but fewer than 2 per cent of beef herds.

The Hendra virus, as I have said, is a real worry. While it has been confined to Queensland at the moment, steps are always being taken to ensure that it does not travel throughout our country. It is legislation like this that will trace and track where animals are going.

Foot-and-mouth disease is something that has been in other countries and has had devastating effects. The Leader of The Nationals talked about that in his speech on this matter. We desperately try to keep it out of our country. It would have devastating impacts on the economy of our region if an outbreak occurred here. The feeding of swill to pigs is referred to in this

legislation. We have 23 million feral pigs in this country — almost the same as our population. That is something that causes our quarantine and biosecurity people a lot of angst, because there is concern that if certain products are put into the food chain of these wild pigs, it could create a circumstance where foot-and-mouth disease is introduced into this country.

There are also provisions that relate to the publication of notices in full; they are all provisions that protect our agricultural industries in Australia. Again I will repeat what others have said: biosecurity generally in this country is of utmost importance to protect not only our agricultural industries but horticulture as well. We have seen concerns about fire blight, with big rallies in my electorate over recent years to protect our apple and pear industry. For these reasons, this sort of legislation is very important, and I support the bill.

**Ms McLEISH (Eildon)** — I rise to make a contribution to the debate on the Livestock Disease Control Amendment Bill 2016. The purposes of this bill are to amend provisions enabling orders to be made, to provide further for vendor declarations when livestock are moved and to provide further for the feeding of certain materials to pigs, and that is where I will spend the majority of my contribution. The overarching aspect of what we have here are amendments which are designed to strengthen and continue to support our agricultural and livestock industry.

The protection of herds from disease is particularly important, and in turn it also helps protect our domestic and export markets. The coalition made a number of changes with its Primary Industries Legislation Amendment Bill in 2014, which also made changes to the Livestock Disease Control Act 1994. Those changes included some provisions around food scraps and waste containing meat product that has been contaminated being fed to animals, because that food protein has the potential to create quite some havoc.

I want to first of all paint a picture of the size of the livestock industry in Australia and Victoria, and I am going to focus on beef. Meat and Livestock Australia estimated in 2014 that there were some 29.1 million head of beef cattle in Australia and 4.2 million in Victoria. The industry was estimated at \$18.21 billion in 2014–15. That is an extremely large industry of great significance.

One of the key diseases is foot-and-mouth disease, and we have heard members speak on this disease, which affects cloven-hoofed animals such as cattle, sheep and goats. It poses great risks as it is highly contagious.

When animals contract foot-and-mouth they will have a fever and fluid-filled blisters, which can become ulcerated. When we think about foot-and-mouth, if it is in the feet of the animals, they have trouble walking, they become lame and they cannot actually move around to get food and water. If you observe patterns of cattle grazing, they are on the move all the time — where they start the day and where they finish the day are quite different places. If they have got the blisters in their mouths, it can cause them a lot of trouble eating, and in fact they can stop eating.

Australia is a major exporter of cattle. It is foot-and-mouth disease-free, and this is a huge competitive advantage for us. There has been no outbreak in 140 years, but we are ever vigilant. We know that given the size of the industry an outbreak would have serious economic implications for us. I remind the house of the episode in the United Kingdom some 15 years ago, in 2001, when they had an outbreak of foot-and-mouth disease some 35 years after the last one. There were 2000 cases identified and it took nine months to control. With those 2000 cases that were identified, some 6 million sheep and cattle were destroyed. They were killed and burnt, and the images, if people recall what they saw, were very, very distressing. The cost was billions. You can imagine the cost to farmers of each cow. If you transferred that to Australia, with our 29.1 million cattle, or the 4.2 million beef cattle in Victoria, this would be absolutely catastrophic. Not only would you lose your current herd but you would also lose your breeding herd and then you would have to start completely from scratch. You would lose your market. It is a major risk.

It is very easy for a disease to transfer between adjoining properties; you might not have had a disease outbreak on yours, but cattle break through fences. On our farm we are beef cattle producers and the only ones with red cows, Hereford-Shorthorn cross. They will certainly be making a comeback and taking over from the Black Angus! It is very easy for the neighbour's sheep to get under the fence and mix with our cattle. Just a couple of weeks ago we had a very large tree on the fence line on the other side and the neighbour's cattle, which is a different breed, came into our property and vice versa. It is very easy for stock to become infected when they come into contact with infected animals.

I want to talk about swill, because that poses quite a risk. It is believed that the foot-and-mouth disease outbreak in the UK was attributable to feeding swill to pigs. Swill is mammalian protein containing meat. It could be done very inadvertently through feeding with food scraps. I think people can unwittingly and

unknowingly do this. I think, as the Leader of The Nationals said, when you have a major cattle grazer, they are always looking out for the health of their herd; whether it be dairy, beef or sheep, people are always looking out for the health of their herd. But when you have a hobby farmer, they are not always subject to the same information. Farmers are always reading magazines, getting newsletters and updates from governments, going to workshops and information sessions and speaking to their neighbours, whereas a hobby farmer might be less likely to do that. If you only have a few pigs, for example, it might be very easy for you to think, 'I'll just feed them these particular food scraps'.

As this rate of people having a few backyard pigs increases, so does the risk. I liken it to the situation with fruit fly. Orchardists are ever vigilant, but if fruit flies get into a backyard in a small town that has two or three fruit trees and the owners are not aware that they have fruit flies, then it is very difficult to contain the pests. Pigs in particular spread infection at a far greater rate than sheep and cattle. Their vapour floats and does not sink, so they are 10 000 times more likely to spread infection than sheep and cattle.

Australia does have an advantage being an island. Our border control is a lot easier than in many other countries. However, we still have the risk, because we have seen an instance of dogs being brought in on a private jet, and also people bring food in their luggage. We see this on shows like *Border Security* all the time. One of the biggest risk factors is that people bring diseased meats or whatever in their personal luggage. This has been identified as a key risk, and it is something we need to be vigilant about. We can never be complacent about this. There are other diseases, obviously — bovine Johne's disease is a muscle wasting disease. Diarrhoea impacts young animals particularly. It is one of the notifiable diseases and can have a big impact on the dairy industry, particularly if you do not always know. When they contract it young, the symptoms might not show for a couple of years. Pink eye is another disease which is contagious as well.

When we think about our herds, it is very easy for a dairy herd to number 280-plus. If your cattle have any of these diseases, it gets through your herd. You can put yourself at considerable risk — and your neighbours as well. When you get the movement of beasts through markets, going from farm to farm and from state to state as well, it does increase the risk each time.

With this bill, I am pleased we have been able to continue to strengthen the protections for our livestock industry, but I also want to mention that the former

coalition government agreed to recommendations from the national Animal Health Committee and the commonwealth's chief veterinary officer on the national harmonisation of swill feeding laws. These amendments around this area enact Victoria's commitment.

**Debate adjourned on motion of Mr DONNELLAN (Minister for Roads and Road Safety).**

**Debate adjourned until later this day.**

## WITNESS PROTECTION AMENDMENT BILL 2016

*Second reading*

**Debate resumed from 24 March; motion of Ms HUTCHINS (Minister for Local Government).**

**Mr CLARK** (Box Hill) — This is a bill that seeks to address a number of concerns that have arisen about the operation of the witness protection regime in Victoria. It need hardly be said that the protection of witnesses in the justice system is of crucial importance to the integrity of that system. The compelling need for proper arrangements to protect witnesses is very well summarised by the Honourable Frank Vincent, AO, QC, in his review of the Witness Protection Act 1991 that was tabled in this house a few weeks ago. At page 6 the review says:

If a victim, witness or informant cannot possess sufficient confidence that justifiable concerns for their personal security will be addressed and reasonable measures taken to protect them, they cannot be expected to place themselves at additional risk through resort to or cooperation with the authorities. It must also be borne in mind that from the individual's perspective, cooperation might not only create or result in an increased personal risk but a threat to family members or others associated with them and could result in fundamental changes being required to their entire life situation.

Correlatively, if such a person does place himself or herself in potential jeopardy and accepts the many social and economic consequences that may follow, it is incumbent upon the community, which seeks and needs their cooperation, to endeavour to do what it sensibly can in the particular circumstances to support them. This requires a clear commitment to honour any undertakings or assurances given to them with respect to the measures to be taken and upon which they have relied.

This is not simply a matter of ethical conduct, nor is it affected by the motivation of the individual who may well be acting out of blatant self-interest. Rather, it is crucial to the maintenance of the integrity and effectiveness of the criminal justice system upon which we all depend for the maintenance of our collective and individual safety. For its part, the community must be prepared to provide the financial and other resources necessary for this work.

I need hardly give the house particular examples that have arisen in recent times of the importance of witness protection and of the threats that arise in various contexts to those who might be willing or might be asked to step forward and give their testimony to ensure that justice is upheld. There have been a number of high-profile and controversial cases that have featured in the media over recent years, and I do not intend to dwell on the details of those, but more generally it is well known that bikie and other criminal gangs in particular rely on coercion and intimidation to deter people from giving evidence that might bring them to account.

We have also seen findings through the Royal Commission into Trade Union Governance and Corruption and evidence given by Assistant Commissioner Steve Fontana that, particularly in the building and construction industry, some union officials resort to threats, intimidation and coercion in order to deter witnesses from giving evidence. The police have identified that as being a major factor in the difficulties that they are finding in upholding the rule of law in the building industry.

It is clear that we need to ensure that as far as possible there are arrangements in place that will protect witnesses and will give them assurance that as far as can be achieved they will be protected if they do the right thing by the justice system. But unfortunately there have been problems that have arisen and they have been identified in the report by Mr Vincent. Some of those were singled out in an article in the *Herald Sun* of 24 March this year written by Tom Minear, the state political reporter, headed 'Report finds Victoria Police lost track of people in Victoria's witness protection system', and I quote:

Police have lost track of people in Victoria's witness protection program and keep 'remarkably little' data about those in its care, a scathing report has found.

Retired Supreme Court judge Frank Vincent's report said witness protection was 'not highly valued' by police and viewed as an 'unfortunate necessity' for successful investigations.

The review of the system, tabled in Parliament yesterday, had sought basic information from Victoria Police about the people in witness protection.

Mr Vincent said it was a 'sorry state of affairs' that police did not keep 'even a rudimentary manual register' of witness protection cases, which the force told him would have been 'prohibitively onerous'.

'The approach to witness protection within Victoria Police has been based throughout on the view that, although not part of the ordinary policing functions, the provision of protective assistance is an unfortunate necessity if investigations are to

be successfully pursued, but it was not highly valued', Mr Vincent said.

He also criticised the limited staffing of the witness protection unit and the fact that only three of its members had undertaken the national witness protection training course.

'I am strongly of the view that even in the absence of appropriate governance structures, if the proper role and significance of witness protection had been appreciated at the higher level of police command, many of the problems encountered to date would not have emerged', Mr Vincent said.

The article goes on to indicate that Mr Vincent said that although there had been a great deal of attention given to cultural and structural failures over recent times, it was not clearly evident that the situation had sufficiently changed. Some witnesses who were not subject to the highest level of protection had lost support once they had given their evidence in criminal proceedings and:

The witness may be left to his or her own devices and whether or not they are subject to reprisal may never be known.

This is clearly an unsatisfactory state of affairs, and that is why the previous government moved to establish the review that was undertaken by Mr Vincent. As is noted in his report:

In the investigation and prosecution of crime ... it is essential that witnesses, the cornerstones for successful investigation and prosecution, have trust in criminal justice systems.

Witnesses need to have the confidence to come forward to assist law enforcement and prosecutorial authorities. They need to be assured that they will receive support and protection from intimidation and the harm that criminal groups may seek to inflict upon them in attempts to discourage or punish them from cooperating.

As the then Minister for Police and Emergency Services, now the member for Rowville, said in his second-reading speech in March 2014 in relation to witness protection legislation:

When enacted in 1991, Victoria's Witness Protection Act led the way. While these reforms improve the existing framework, we need to ask is there anything more we can do.

As a result of that report the then minister commissioned the Vincent report. The report includes a range of recommendations which in very large part are reflected in the bill that is before the house. It is appropriate to place on record appreciation — certainly my appreciation and I would think the appreciation of all members of this house — for the work that Mr Vincent has done in producing this report. Of course it is among many very able reports that Mr Vincent has provided for governments of both

political persuasions over the years which have significantly contributed to the improvement of the system of justice in this state, and that sits alongside Mr Vincent's work as a member of the Victorian Law Reform Commission.

In this report Mr Vincent makes eight recommendations and, as I said, these are largely reflected in the bill that is now before us. His first recommendation is that the purpose and principles underpinning the act should be made clear on the face of the legislation. I quote from his report at page 3, which says:

The provision of witness protection must be to give practical effect to the rule of the law by, as far as reasonably possible, protecting those who are exposed to risk of injury or death by reason of their participation in or cooperation with the criminal justice system.

Then it is said that the act should be based on and contain a number of witness protection principles to guide decision-making and implementation, which are set out at page 4 of the report and largely reflected in the bill, and include that:

the central objective of witness protection is to advance the public interest in the efficacy and integrity of the criminal justice system through the provision of protective support to those who are at risk by reason of their cooperation ...

witness protection and support is intended to remove or reduce a barrier to cooperation and is not to be provided as a reward or inducement;

there must be a clear separation of the investigative and the protective functions in order to ensure the integrity of the process;

the decision to protect a witness cannot be solely or even principally dependent upon the value of the investigation —

but —

... should be determined by reference to the risk incurred by the individual as a consequence of cooperation;

protection arrangements need to be tailored to the individual circumstances ...

the safety of the witness must take priority over the successful conduct of a prosecution;

the interests of children involved in or affected —

need to be —

... a powerful factor in decision-making; and

... there should be public accountability for the operation of the witness protection system —

consistent with the need for operational security.

As I say, most of the recommendations are reflected close to verbatim in the commencing provisions of the amendments being made by the bill.

Mr Vincent's second recommendation relates to the extension of the act's scope. He considered that the definition of witness as set out in the current legislation was adequate to cover the scope of that that was necessary. But he says very importantly that:

The scope of the act should be extended to those entering into what are currently categorised within Victoria Police processes as 'category B' arrangements. This will have the effect that the ... witness protection principles, external monitoring, reporting and confidentiality provisions apply to the alternative arrangements provided to high-risk witnesses who have been considered for but either declined to enter the program or have been considered unsuitable.

I do raise some question — and I would be interested in the government's response — as to how it is intended that these up-to-date category B arrangements will be applied to those who are ongoing participants in the justice system, such as police officers, jury members and judicial officers, who might not necessarily seek or be considered for high-risk witness protection in category A.

Recommendation 3 is that:

The chief commissioner should maintain responsibility for the implementation of the act and a broad discretion based on the purposes and principles of the act.

Recommendation 4 is to remove what Mr Vincent describes as:

... the unjustifiably wide immunity presently available for police conduct in relation to witness protection arrangements.

They are narrowed down to:

no liability should flow from a decision under the act to enter or not to enter a person into the program; and

the present provisions with respect to the making, alteration or cancelling of entries or records in the register of births, deaths and marriages in accordance with an order of the Supreme Court should remain.

At recommendation 5 Mr Vincent proposes that:

The act should be amended to ensure that the terms of memoranda of understanding entered into at both category A and category B levels should be legally enforceable by persons entering into them.

This is one area where the bill departs from the recommendation in that, as far as I can see, there is nothing in the bill to provide that memoranda of understanding should be legally enforceable by persons entering into them, whether in relation to category A or

category B levels. Indeed it is somewhat of a contradiction in term to talk about a legally binding memorandum of understanding. So I would be interested in the government's explanation in relation to whether or not it considers that the provisions of the bill will make memoranda of understanding legally enforceable, and if the government has decided not to follow Mr Vincent's recommendation in that regard as to why it has so decided.

Recommendation 6 is that there should be a mandatory case review at least every two years.

Recommendation 7 is that to ensure appropriate public accountability there should be an independent body to monitor the operation of the act to provide assurance that the principles recommended are given practical effect, and that there should be public reporting on the operation of the act.

The government has chosen to assign to the Public Interest Monitor (PIM) the responsibility of being the independent body to monitor the operation of the act. There would be a range of considerations as to why the PIM may have been chosen for that. It is a significant change in the role of the PIM. On the other hand, there may well be good reason to believe that the PIM, who currently scrutinises various applications by Victoria Police in relation to phone tapping or other surveillance, should have the role extended to monitor these arrangements. But I would be interested in hearing from the government a further explanation as to why it has decided that the PIM should fulfil that role, what the PIM's views are on that and how the government is satisfied that that will operate satisfactorily.

The final recommendation is recommendation 8, about deterring witness intimidation:

There should be a new indictable offence triable summarily that would cover ... witness intimidation behaviours addressed in the various interstate provisions —

having a maximum penalty of five years.

Again there is a departure from the recommendations of the Vincent review in that the bill provides for a 10-year penalty and not triable summarily. The opposition certainly has no objection to providing stiff penalties for an offence such as of this nature, but Mr Vincent did indicate that he thought there were particular practical advantages in having an opportunity for such an offence to be triable summarily, and those practical advantages have been forgone. I would be interested in hearing from the government as to its rationale for forgoing those opportunities for matters to be triable summarily. Is it simply because that was felt necessary to ensure that a 10-year penalty could be

provided or did the government not think that those matters were important?

In the scheme of things these reservations are relatively limited matters. Overall the opposition supports the bill. We certainly hope that it will provide significant improvement to the operation of the witness protection regime in Victoria, and we wish the bill a speedy passage.

**Business interrupted under to sessional orders.**

**QUESTIONS WITHOUT NOTICE and  
MINISTERS STATEMENTS**

**Country Fire Authority enterprise bargaining  
agreement**

**Mr GUY** (Leader of the Opposition) — My question is to the Premier. The Premier's Minister for Emergency Services has said that she has felt harassed and bullied by the United Firefighters Union (UFU) and said its behaviour towards her has been aggressive. Why has the Premier continued to endorse and meet with the UFU despite its campaign of bullying and harassment of his minister, whose — —

**Mr Merlino** interjected.

**The SPEAKER** — Order! The Deputy Premier will allow the Leader — —

*Honourable members interjecting.*

**Mr GUY** — Stop the clock, please.

**The SPEAKER** — Order! Stop the clock.

**Mr Merlino** interjected.

**The SPEAKER** — Order! I did request that the clock be stopped. The Leader of the Opposition will be given an opportunity to ask his question, and the question will be asked in silence. I ask the Deputy Premier to co-operate and to allow the Leader of the Opposition to put the question to the Premier.

**Mr GUY** — My question is to the Premier. The Premier's Minister for Emergency Services has said that she has felt harassed and bullied by the UFU and said that its behaviour toward her has been aggressive. Why has the Premier continued to endorse and meet with the UFU despite its campaign of bullying and harassment of his own minister, whose workplace health and safety he is responsible for, rather than call them out on this inappropriate behaviour?

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question. The first thing to say is that there are a number of errors in the question as put forward by the Leader of the Opposition — a number of errors. The minister, myself, every member of the government — and I would have hoped every member of the Parliament — was absolutely committed to sitting down in good faith, with goodwill, to resolve an industrial dispute that has gone on too long. We, all of us — certainly on this side of the house — are focused on recruiting additional firefighters and giving firefighters the presumptive rights that they have so long needed and which were not delivered by those opposite.

**Mr Guy** — On a point of order, Speaker, by way of relevance, this question was around workplace bullying; it was not about presumptive rights legislation. I ask you to bring the Premier back to answering a question around workplace bullying and defending the right not to be subject to workplace bullying for his own minister.

**Mr Battin** interjected.

**The SPEAKER** — Order! The member for Gembrook will come to order. There is no point of order at this point. The Premier, to continue.

**Mr ANDREWS** — It was never about presumptive rights for some, never, never — those opposite, never. So I would simply say to the Leader of the Opposition, for his — —

*Honourable members interjecting.*

**Mr ANDREWS** — The Leader of the Opposition's question is littered with errors and assertions that are completely inaccurate. The minister is fully supported in the important work that she is doing. The minister is doing an outstanding job in all of her portfolio areas, and the minister and I are in complete accord on the fact that a good outcome here will only be achieved by people behaving appropriately and by the use of the independent umpire, the Fair Work Commission.

So the Leader of the Opposition would seek to characterise incorrectly; the Leader of the Opposition would seek to put forward a whole range of statements that are in fact in error — complete error. The fact remains: the minister, myself, all members of the government and all parties in this dispute agree it has gone on too long. It needs to be resolved, and it will be, with the assistance of the independent umpire and in the interests of volunteer firefighters, career firefighters and the safety of the Victorian community.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — The Premier has endorsed unions like the Construction, Forestry, Mining and Energy Union and the UFU, whose bullying behaviour is unacceptable in any workplace. Is it the Premier's policy to excuse bullying behaviour when it suits his agenda or when it is conducted by his mates?

**Mr ANDREWS** (Premier) — The answer, very simply, is no.

**Ministers statements: National Sorry Day**

**Ms HUTCHINS** (Minister for Aboriginal Affairs) — I am very pleased to rise to update the house on a new government initiative, which is a self-determination conference for Aboriginal people here in Victoria, which commences today. I also would like to speak to our continued recognition of and commitment to marking National Sorry Day. Since 1997, 26 May is a day of mixed emotions for Aboriginal and Torres Strait Islander peoples. It was when the *Bringing Them Home* report was tabled in the federal Parliament.

The policies and actions of this nation's governments resulted in what we all know as the stolen generations. Today as we remember and acknowledge the mistreatment of the country's first peoples, we remind ourselves of the impact of the forcible removal policies: the impact on the children that were taken and on the Aboriginal and Torres Strait Islander families and communities that were affected. Aboriginal children were separated, often forcibly ripped away from their families, ripped away from their culture, on the falsehood and misunderstanding that their culture was inferior and must be replaced with the European one. The trauma has continued on years after.

This government's policy of self-determination is critical to addressing this, and that is why our Self-Determination Summit, which is currently underway at the Melbourne Convention and Exhibition Centre, is a very, very important step forward. Right across Victoria here and now we are listening to Aboriginal Victorians talk about what self-determination looks like, what role a treaty may play and how we will get there. We do not have all the answers, but I will join with you all in saying sorry and encourage you to listen to the discussions that are going on about self-determination.

**Country Fire Authority enterprise bargaining agreement**

**Mr GUY** (Leader of the Opposition) — My question is to the Premier. On Tuesday the Country Fire Authority (CFA) moved to seek binding arbitration of the enterprise bargaining agreement dispute, and yesterday it chose to reserve its right to do so. I ask the Premier: did he or his office at any stage intervene in this dispute, contacting the minister, her office or the CFA directly to bully the CFA into halting its move for binding arbitration, a move that the United Firefighters Union is opposed to?

**Mr ANDREWS** (Premier) — The answer to the Leader of the Opposition's question is no.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — Should the CFA proceed to seek binding arbitration, a move the UFU opposes, will the Premier and his government support the CFA and its volunteers in this quest?

**Mr ANDREWS** (Premier) — The Leader of the Opposition has asked me a hypothetical question. The Leader of the Opposition has, as a matter of fact, asked me a hypothetical question. That is not a matter for any debate or doubt. It is a hypothetical question, and one that I would hope would be redundant because of the voluntary process that all parties are involved with at the moment. I would hope — I think all of us would hope; certainly the minister and I would hope — that we will be able to get a fair and balanced and reasonable outcome as a result of the voluntary process that is being conducted at the Fair Work Commission with the assistance of Commissioner Roe. That is the answer to the most definitely hypothetical question from the Leader of the Opposition.

**Ministers statements: dairy industry**

**Mr PALLAS** (Treasurer) — I rise to update the house about a new initiative of the Andrews Labor government to support Victoria's dairy farmers. Amendments will now be made to the criteria for the Back to Work scheme to make members of a dairy farm household an eligible category of employee. The Back to Work scheme is an important part of the Andrews Labor government's plan to promote jobs and growth in Victoria. As at the end of March, over 4000 people across Victoria were beneficiaries of the scheme, and all indications are that we will wrap up the scheme by the end of the year, about six months ahead of schedule.

The flow-on impact of having meaningful employment cannot be underestimated to a person's family, their self-esteem and the contribution they can make to their communities. That is why we will amend the scheme to support drought-affected farm households, and that same support will now be extended to dairy farmers.

Employers will receive up to \$5000 when they hire someone from a farm household affected by the dairy crisis. Victoria's dairy industry is a source of considerable pride. Our dairy farmers account for 85 per cent of Australia's dairy product exports and approximately 5 per cent of global dairy trade. That is why our support is so crucial. When combined with an \$11.4 million package announced earlier this week, this means we are ensuring that dairy farmers have access to the needed support, be it financial counselling or on-farm business support, to make sure that they get the support and assistance they need to make the right decisions for their family and farm. An Andrews Labor government will always stand behind our rural communities, and it will not let any farmer or community member go it alone.

### **Country Fire Authority enterprise bargaining agreement**

**Mr CLARK** (Box Hill) — My question is to the Minister for Emergency Services. Will the government seek to be present as a party to support the application by the Country Fire Authority (CFA) for binding arbitration of its enterprise bargaining agreement dispute?

*Honourable members interjecting.*

**Ms GARRETT** (Minister for Emergency Services) — I thank the honourable member for his question. The government is at one in supporting the resolution of this matter as quickly as possible, and it is currently before the Fair Work Commission.

*Honourable members interjecting.*

*Supplementary question*

**Mr CLARK** (Box Hill) — When the Country Fire Authority informed the minister that it was moving to seek binding arbitration, before it lodged any application, did the minister or her office pass this information on to the Premier or his office?

**Ms GARRETT** (Minister for Emergency Services) — Again, there are many discussions going on throughout this process. We are before the Fair Work Commission this afternoon, and we are all working towards a speedy resolution of these matters.

**Mr Clark** — On a point of order, Speaker, under sessional order 11(2) I draw your attention to the fact that the question that I asked of the minister was a very specific one, and she did not come anywhere near answering that question. I ask you to direct her to provide a written response.

**Ms Allan** — On the point of order, Speaker, not liking the answer is not reason enough to invoke sessional order 11. The minister did answer the question that was asked, and I ask you to rule the point of order out of order.

**The SPEAKER** — Order! The Chair does not uphold the point of order.

### **Ministers statements: road safety funding**

**Mr DONNELLAN** (Minister for Roads and Road Safety) — I rise to update the house on a range of new initiatives by the Andrews Labor government to improve road safety in regional areas. Every 2 hours someone is killed or hospitalised in a road crash across Victoria, and we know that Victorians are four times more likely to be killed on country roads. That is why the Andrews government has made a significant commitment of \$340 million for road safety upgrades on more than 2500 kilometres of rural and regional roads across the state, the biggest commitment ever. Twenty high-speed rural roads with significant crash histories have been prioritised under this package, including the Hume Highway, the Calder Freeway, the Geelong-Bacchus Marsh Road and the Melba Highway. On these roads alone 42 people have lost their lives and 350 people have been seriously injured.

The installation of 330 kilometres of flexible barriers on high-risk, high-volume 100-kilometre-per-hour roads is expected to reduce run-off-road and head-on crashes by up to 85 per cent on these sections. Further, the Andrews government is also providing \$51 million for new overtaking lanes on key arterial roads in regional Victoria. This initiative will improve travel time and reliability, reduce crashes and save lives — a great commitment. Also maintenance is so important for road safety. That is why we have committed \$485 million towards road safety — —

*Honourable members interjecting.*

**Questions and statements interrupted.**

## SUSPENSION OF MEMBER

### Member for Macedon

**The SPEAKER** — Order! The member for Macedon will withdraw from the house for a period of 1 hour.

**Honourable member for Macedon withdrew from chamber.**

## QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

### Ministers statements: road safety funding

Questions and statements resumed.

**The SPEAKER** — Order! The minister will continue in silence. I ask government and opposition members to allow the minister to continue in silence. The Chair must be able to hear the minister's contribution.

**Mr DONNELLAN** (Minister for Roads and Road Safety) — We have committed \$485 million towards road asset management in the 2016–17 budget.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Lowan is now warned.

**Mr DONNELLAN** — That includes \$130 million to repair and replace road surfaces across Victoria, and 85 per cent of this money will be spent in regional Victoria. Unfortunately there are some people in the National Party who do not understand that road maintenance is funded as both an output and asset initiative, so they are using the wrong figures — and wrong time — to tweet absolute rubbish.

### Hazelwood power station

**Ms SANDELL** (Melbourne) — My question is to the Minister for Energy, Environment and Climate Change. The CEO of Engie, which owns a majority stake in Hazelwood coal station, has just told a French senate committee it is considering closing or selling Hazelwood. As this house would know, I have been calling on the government to phase out coal in an orderly and fair way since I was elected, but now the task of transitioning Victoria's energy supply simply seems to be left to coal companies to decide.

As the minister would know, if Hazelwood is sold off to a shelf company, it will result in significant risks to

Victoria, especially in the rehabilitation of the mine, and will also mean more uncertainty for the community. So closure is a much better outcome than selling it. My question — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member will come to the question.

**Ms SANDELL** — What is the government doing to make sure Hazelwood is closed in an orderly way rather than sold off?

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Melbourne is entitled to put a question to the minister. I do remind the member, however, that the preamble becomes part of the question.

**Ms D'AMBROSIO** (Minister for Energy, Environment and Climate Change) — I thank the member for Melbourne for her question. The only people who are actually creating and growing the anxiety for the people in the valley are the Greens over there. They are the ones who keep running around with glee. Every time there is a comment on the other side of the world — every few months — about coal-fired power stations, up and down they jump in great excitement and with absolute glee at the prospect of something happening in the valley. Well, can I just make it very, very clear: there are no plans that Engie has to close Hazelwood or Loy Yang B.

Now, we have had discussions with Engie. We discussed it with Engie this morning in fact. It has assured us that there are no plans — no immediate plans — to shut down or sell Hazelwood or Loy Yang B. Let us also understand this: it is no surprise — and those opposite know this — that owners of coal-fired power stations right around the world are looking to the future and to transition. That is not a surprise to anybody. Let us be clear about this: there are no immediate plans for the closure of either Hazelwood or Loy Yang B.

Let us also be very, very clear that we continue to talk with the businesses in the valley. We continue to talk with people right across the valley and in the broader community. They themselves have been very, very clear that they have no plans to close Hazelwood and Loy Yang B. I think the sooner the Greens understand that there are actually sensitivities at play here in the community and that any discussions that occur over the months and over the years have to happen with confidence and a plan for transition the better.

Our government remains committed to continuing the discussion about transitioning our wholesale energy market to renewable energies. Of course we are doing that. But to sit there and ask another question about the future of Hazelwood and the jobs and the people of the valley with glee shows that the Greens somehow cannot contain themselves and do other than expose it to the whole world. They do take great pleasure from this; they absolutely take great pleasure.

We do not take great pleasure in the jobs prospectively disappearing. What we do as a government and will do as a government, as I say to the member for Melbourne, is work with the community. We will work for them to have a bright future, a future that is diverse. I know that together with the Minister for Resources, who is also the Minister for Industry and Employment, we will have a plan that will transition and diversify that economy. We will take the community with us, and that is what we are doing.

*Honourable members interjecting.*

**The SPEAKER** — Order! The three ministers on my right are being somewhat vocal today, being Thursday. I ask the member for Melbourne to put a supplementary question to the minister. The member is entitled to silence.

*Supplementary question*

**Ms SANDELL** (Melbourne) — I thank the Minister for Energy, Environment and Climate Change for her response. As the minister says, the companies are looking to transition away from coal. In fact, the CEO of Engie has said that it may look to sell Hazelwood if the Victorian government says we need it for our power supply. But given the Australian Energy Market Operator has said that there is an oversupply of electricity in our grid and that we do not need Hazelwood for our baseload power, can the minister confirm that she will communicate to Engie that Hazelwood is no longer needed for Victoria's electricity supply?

**Ms D'AMBROSIO** (Minister for Energy, Environment and Climate Change) — I thank the member for Melbourne for her supplementary question. I think the whole world knows that there is an oversupply in the market. I do not have to tell Engie that there is an oversupply in the market; I think that is absolutely clear. These things are delicate decisions that are made by businesses. Businesses make business decisions every single day — whether to invest, whether to expand, whether to contract, whether to sell or whether to close. These are business decisions.

One thing is for sure: we have got a very clear agenda. We have a very, very clear commitment to work with the people in the valley to transition, to look at diversifying the economy, because previous governments — those people on the other side — never wanted to understand the fact that the community needs to have a future. That is what we are working on — a future for the valley. Let me be absolutely clear. Engie itself has made it absolutely clear that it has no plans to close Hazelwood. It has no plans to close Loy Yang B and that is the end of it.

### **Ministers statements: Visit Victoria**

**Mr EREN** (Minister for Tourism and Major Events) — I rise to update the house on the Andrews Labor government's new initiatives to grow Victoria's visitor economy. This government has embarked on a once-in-a-generation shake-up of this sector with the creation of Visit Victoria. An enormous amount of work has gone into the creation of Visit Victoria, and I was pleased to announce Mr Peter Bingeman as the new CEO and Sir Rod Eddington as the chair of the board.

The 2016–17 budget provides \$67 million to ensure that Visit Victoria gets off to the best start possible. The \$20 million Regional Events Fund will ensure our regions attract more visitors. This means a boost to their local economies, support to local businesses and the creation of more jobs in regional Victoria. This complements the \$101 million Regional Tourism Infrastructure Fund to further boost this industry. This budget delivers record investment to support regional Victoria.

I am delighted to report on the increasing number of events we are securing for Victoria. These include the double-header Socceroos versus Greece, the Matildas versus New Zealand football friendly and, of course, the Marilyn Monroe exhibition at Bendigo Art Gallery, to name a few. Our approach is in stark contrast to that of the Turnbull government, which is making it harder for the sector. What a debacle the backpacker tax has been. Pressure from industry and the Prime Minister's own colleagues saw a U-turn on this disastrous tax.

**Mr Clark** — On a point of order, Speaker, the minister is now departing from the requirements of sessional order 7 and is ceasing to inform the house about new government initiatives. I ask you to bring him back to compliance and ask him not to debate the issue.

**The SPEAKER** — Order! The minister may make a comment in passing. The minister has done that, and I

now call on the minister to continue in conformity with the sessional orders.

**Mr EREN** — It is very important that the federal government be in tune with this very important sector. It cannot sit back and watch other states do the work for it. That is why it is so important, and it is a shame that the opposition does not support the sector. So what I would further say —

**Mr Thompson** interjected.

**Questions and statements interrupted.**

### SUSPENSION OF MEMBER

#### Member for Sandringham

**The SPEAKER** — Order! The member for Sandringham will withdraw from the house for a period of 1 hour.

**Honourable member for Sandringham withdrew from chamber.**

### QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

#### Ministers statements: Visit Victoria

**Questions and statements resumed.**

*Honourable members interjecting.*

**Mr Clark** — On a point of order, Speaker, the minister is now defying your ruling. I ask you to bring him back to compliance with sessional order 7.

**Ms Allan** — On the point of order, Speaker, the Minister for Tourism and Major Events was providing some information to the house. He has done some analysis on the federal government impacts, and he is entitled to share that with the Parliament today. He has been perfectly in order with sessional order 7.

**Ms Ryall** — On the point of order, Speaker, in the last sitting of Parliament you made it absolutely clear that a passing comment can be made. You have also stated that in this case. I support the leader of the opposition business. A passing comment has been made, and this is not a time to talk about analysis. A new initiative is the only opportunity that the minister has to raise, and he needs to hold his comments to that.

**The SPEAKER** — Order! I uphold the point of order. The minister is to come back to making a

ministers statement. The minister has 22 seconds on a ministers statement in silence.

**Mr EREN** — Unlike the federal government, the Andrews Labor government values our \$21 million industry. It is worth 206 000 jobs to our economy, and of course that is very important. I urge the opposition to urge the federal government to do the same, care for this sector and concentrate on it. It is not doing that at the moment. I urge the opposition, instead of gagging me, to gag the federal government.

#### Police resources

**Mr CLARK** (Box Hill) — My question is to the Minister for Police. Is it a fact that just yesterday a decision was made that, for the first time ever, over the peak winter holiday season, Mount Hotham and Falls Creek, home to thousands of winter holiday-makers and dozens of licensed premises, will have no police stationed there at all?

**Ms NEVILLE** (Minister for Police) — I can assure the house that I take my advice from the Chief Commissioner of Police in these matters and not from the opposition in terms of what is fact and what is not. What I have indicated is that we have given the police record investment — bigger than those opposite did — to put in place more police on the beat, more technology, more police and smarter policing. That is what it is about. And the police commissioner will be ensuring that we are deploying those police in a way that ensures our communities are safe.

This is a decision for the police commissioner, and we are giving him the resources, the powers and the technology in order to ensure we have a strategy to reduce crime in this state, so we have got more police and smarter policing.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Gembrook will allow the manager of opposition business to make a point of order in silence, and so will the three ministers on my right: the Minister for Planning, the Minister for Housing, Disability and Ageing, and the Minister for Tourism and Major Events. I am unable to hear the member for Box Hill.

**Mr Clark** — On a point of order, Speaker, my question was very specific about police at Mount Hotham and Falls Creek. The minister has now had plenty of opportunity to set a context to her answer. I ask you to bring her back to answering the question that I asked.

**The SPEAKER** — Order! The Chair does not uphold the point of order. The minister has now concluded.

*Supplementary question*

**Mr CLARK** (Box Hill) — Given the minister is the prime responder for search and rescue, not to mention public safety, can the minister confirm that the closest police station to both locations is more than 60 minutes away in clear weather?

**Ms NEVILLE** (Minister for Police) — Let us be really clear here that this is an accusation being made by those opposite based on — —

*Honourable members interjecting.*

**Ms NEVILLE** — Oh, it is fact, apparently! What I will do: I am not taking my facts from those opposite, because in most cases they are pretty misleading. I will certainly ask the police commissioner in my next discussion with him, but what I will assure this house is that we are giving the police the resources they need to make the decisions in the best interests of Victorian communities to bring down the crime rate in this state.

**Ministers statements: rail infrastructure**

**Ms ALLAN** (Minister for Public Transport) — I am very pleased to provide some new information to the house on a detailed economic analysis that has been undertaken in relation to the federal Liberal government's expenditure on Victorian rail transport initiatives. After crunching some numbers I can reveal today the details of the Liberal Prime Minister's commitment to rail infrastructure in Victoria. What does this show? It shows that just under half of every single dollar the Prime Minister is spending on rail in Victoria — —

*Honourable members interjecting.*

**Mr Watt** — On a point of order, Speaker, I refer to *Rulings from the Chair* of December 2015. I refer to page 170, as I did last sitting week, under 'Government business', which states:

Ministers statements must focus on government business. They may briefly mention actions of previous governments, but must not concentrate on this area.

Using the exact same ruling, last sitting week you ruled that that also applied to the federal government. The minister has spoken for over 30 seconds, and I ask you to get her to confine her statement to the actions that she is going to take or the government's actions that she is going to take with regard to the topic that she is

talking about, rather than the actions of the federal government. This is exactly what you ruled last sitting week. What I am asking for you to do is to uphold your previous ruling.

**The SPEAKER** — Order! The Chair calls on the minister to comply with sessional orders and to continue to make a statement in accordance with the sessional orders.

**Ms ALLAN** — I think it is important because it goes to the future of public transport in Victoria. Just under half of every dollar the Prime Minister is spending on public transport in Victoria is going on 19th century steam rail.

**Mr Watt** — On a point of order, Speaker, if I am to understand your ruling, as you have just made it, the member is in defiance of your ruling, and I would ask you to bring her back to being in compliance with your ruling just now and also your ruling of the last sitting week, that she should concentrate her statement on the government, being the Victorian government, what it is doing and its initiatives, not on commentary about the federal government.

**Ms ALLAN** — On the point of order, Speaker, let us remember that these are sessional orders that those opposite oppose. Putting that aside, Speaker, the compliance with your — —

*Honourable members interjecting.*

**Ms ALLAN** — There is a lot of Puffing Billy over there, isn't there?

**The SPEAKER** — Order! The minister is entitled to silence when making a point of order. The minister, to continue.

**Ms ALLAN** — Speaker, it is entirely appropriate, as you have ruled in the past, for ministers, where we have undertaken analysis of federal government action, to provide that information to the house on how it applies to Victoria. If the member opposite wants me to talk about how this applies to Victoria, he might let me get to that bit of my ministers statement.

**Ms Ryall** — On the point of order, Speaker, I do recall in the last sitting week when you were absolutely clear that passing reference can be made but that the substantive amount of the statement must relate to the actions of this government in relation to that. It cannot be misconstrued. Your ruling was very, very clear, and I would ask you to bring the minister back to actually stating what her government is doing in relation to this.

**Mr Merlino** — On the point of order, Speaker — —

**An honourable member** interjected.

**Mr Merlino** — We are trying to shine a light on this issue.

**Mr Walsh** interjected.

**Mr Merlino** — A night-light.

You will recall, Speaker, in a previous sitting week — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Deputy Premier will continue through the Chair.

**Mr Merlino** — You will recall when I gave a ministers statement in relation to Gonski funding, in terms of both the federal government's position and the impact on the state government and Victorian schools, and the analysis undertaken by the Department of Education and Training. In your ruling you allowed me to give a ministers statement on that issue and outline the analysis from the department and its impact on Victorian schools. That is exactly what the Minister for Public Transport is doing in relation to investment in public transport by the federal government and its impact on Victorian transport.

**The SPEAKER** — Order! The Chair did make rulings last week. The Chair makes judgements and adjudicates on the basis of each individual statement and the merit of it or otherwise. In this context it is appropriate that the minister was explaining the context, and the minister was entitled to that. The minister now has 1 minute, however, and I do ask the minister to now focus on the matters that relate to the state of Victoria.

**Ms ALLAN** — I am delighted to talk about the action that the Andrews Labor government is taking to deliver the Melbourne Metro tunnel, and the recent state budget provided every single dollar needed to get this project done. That is what we are doing, and the reason why we are doing it is we need this 21st century infrastructure for the world's most livable city. We all love Puffing Billy. It is a great piece of infrastructure for our state, but we need investment in modern public transport infrastructure as well, and that is why we are wanting to shine this night-light on underinvestment by a Liberal government in Victoria.

The Prime Minister claims that he knows that our city and state need a 21st century public transport system.

**The SPEAKER** — Order! The Leader of the House will come back to making a statement and will stay away from referring to the federal government. The minister, to continue.

**Ms ALLAN** — I am very pleased to, because investing in the Melbourne Metro tunnel is investing in a 21st century public transport system that our city needs, and that is why we are looking for the Prime Minister to have a 'rail to Damascus' conversion. We want him to have a conversion on the rail to Damascus because we need to see more infrastructure investment in Victoria.

**Mr Clark** — On a point of order, Speaker, the minister is again in defiance of your rulings. I ask you to caution her that that behaviour is not acceptable in this chamber.

**The SPEAKER** — Order! The Chair requires the minister to continue in conformity with the sessional order. The minister has now concluded.

## CONSTITUENCY QUESTIONS

### Caulfield electorate

**Mr SOUTHWICK** (Caulfield) — (Question 7594) My constituency question is to the Minister for Energy, Environment and Climate Change. Recently, and with only three days notice, United Energy told Ormond traders there was to be a power outage on Saturday, 21 May, from 6.00 a.m. to 11.30 p.m. — a peak time of trade. My question is: what is the government going to do to stop these disruptive power outages at such short notice, which cost businesses thousands of dollars, and what is being done to compensate these businesses? Sunnybrook Health Store, upon receiving this advice from United Energy, paid \$4500 for a generator to ensure the store would be open for customers. Other stores cancelled staff. On the day before the planned works the decision was overturned, but a great deal of damage was already done. The Ormond traders have been hit hard by the Andrews government's mismanagement of the coalition-funded North Road level crossing removal. This is just another hit to local businesses.

### Narre Warren South electorate

**Ms GRALEY** (Narre Warren South) — (Question 7595) My question is to the Minister for Roads and Road Safety and concerns Evans Road. I ask: when will Evans Road be reopened to traffic? It has been 11 long years since the road was closed, and now, thanks to the Andrews Labor government, it will

be reopened. As part of the \$40 million duplication of Hallam Road, the notorious intersection of South Gippsland Highway, Hallam Road and Evans Road will be upgraded. This vital project will not only reconnect Lyndhurst and Lynbrook but provide local residents with a much-needed north–south travel option. Many local residents have told me of their frustration when using this intersection and their concerns about the regular crashes that further increase congestion. This congestion often spills over into other surrounding estates as motorists are forced into rat-running through residential streets to avoid the intersection. This project will address their concerns and ensure our local roads are able to meet the needs of our ever-growing community.

### **Morwell electorate**

**Mr NORTHE** (Morwell) — (Question 7596) My constituency question is to the Minister for Public Transport. My question is: what is the latest information with regard to the provision of bus services to Latrobe Regional Hospital (LRH). Many local residents have contacted my office in recent months expressing their disbelief that despite LRH having a bus stop, westbound buses travelling from Traralgon to Morwell are not currently servicing this particular stop. Of course this has massive implications for patients, families and visitors, who have to either find alternative transport or walk vast distances to utilise the existing westbound bus stop, which is actually located on the opposite side of the Princes Highway.

Gippsland Rotary Centenary House, which provides accommodation for patients undergoing cancer treatment in the hospital precinct, had previously written to Public Transport Victoria and received a response in July 2015 that stated works were in progress to utilise the hospital bus stop, but nearly 12 months later there are still no westbound bus services to the hospital. I therefore ask the minister for this latest information, given its importance to patients, families and visitors to Latrobe Regional Hospital.

### **Pascoe Vale electorate**

**Ms BLANDTHORN** (Pascoe Vale) — (Question 7597) My question is for the Minister for Health. The current Oak Park ambulance station is close to 50 years old and no longer meets the needs of today's modern ambulance services. It is no longer fit for purpose for the 70 or so paramedics who respond to more than 1300 call-outs each month. I understand the issues faced by the Oak Park ambulance station because I have had productive discussions regarding the needs of the station with paramedic Dave Shearer since before

the 2014 election, and last year I accompanied paramedic Stephen Moody on a night shift, seeing firsthand the amazing job that paramedics operating from this station do 24/7. The care these paramedics give is first class but the facilities they are based in are substandard. I have raised this matter in the Parliament previously, I have discussed these issues with the minister at length and again I ask the minister: when will the Oak Park ambulance station be upgraded?

### **Ferntree Gully electorate**

**Mr WAKELING** (Ferntree Gully) — (Question 7598) My constituency question is for the Minister for Public Transport and it is in regard to the Ferntree Gully railway station car park. Prior to the last election the coalition made a commitment to upgrade the station car park, which is urgently needed. The then Labor opposition sought not to match that commitment. In last year's budget the government saw fit not to fund the car park upgrade, but we have now discovered that in this year's budget the government is in fact agreeing to do it, albeit it has removed it from their own website. It is important that this car park upgrade goes ahead and that we have the opportunity for additional car spaces. This is something that impacts on my community significantly, with the lack of parking at the existing facility causing people to park in suburban streets. My question is: how can my residents, traders and commuters participate in a consultation process with Public Transport Victoria to ensure their views are taken into consideration?

### **Essendon electorate**

**Mr PEARSON** (Essendon) — (Question 7599) My constituency question is directed to the Minister for Multicultural Affairs. Recently the government announced a pilot to tackle unconscious bias. What is the latest information on the development of an implementation plan for this groundbreaking pilot, which will have a major benefit for residents in my electorate?

### **Eildon electorate**

**Ms McLEISH** (Eildon) — (Question 7600) My constituency question is for the Minister for Roads and Road Safety. What is the plan for the future of the Warburton Highway? So many of my constituents have contacted me to complain about the number of changes to speed limits along the highway. Unusually, the 38-kilometre stretch between Lilydale and East Warburton has 40, 50, 60, 70, 80 and 90 kilometre-per-hour speed limits. These constant changes are extremely frustrating for motorists. The

locals in the Upper Yarra are also concerned about increased traffic as a result of the mountain bike hub and Edgewater developments in Warburton coming online. Both are expected to create jobs and attract tourists. Locals fear that the government has failed to recognise the impacts that these developments will have on the local roads. The matter of how the government plans to deal with the Warburton Highway is of utmost concern and interest to those in the Upper Yarra.

### St Albans electorate

**Ms SULEYMAN** (St Albans) — (Question 7601) My constituency question is for the Minister for Public Transport in regard to the 418 bus route. I have previously asked the minister about bus route 418 in St Albans. The bus route was cut under the previous government, leaving elderly pensioners struggling with the new route as they relied on the previous route for their day-to-day needs. Public Transport Victoria has undertaken a review of the current route, so my question to the minister is: what is the outcome of this review?

### Polwarth electorate

**Mr RIORDAN** (Polwarth) — (Question 7602) My question is to the Minister for Roads and Road Safety. Can the minister tell me if VicRoads has plans in place to manage the inevitable increase in traffic through to the west of Colac upon the completion of the much-anticipated Princes Highway west duplication? The electorate of Polwarth has waited a long time for the Princes Highway west duplication. This major piece of state infrastructure will link western Victoria with Melbourne, Sydney and the world via three major airports and Australia's two largest ports, but this road ends in a growing town with a two-lane roadway dotted with alternating speed signs, traffic lights and a plethora of uncontrolled road crossings. Today I have presented a petition with over 2600 signatures organised and gathered by Colac stalwart Ruth Spokes. The petition demonstrates growing concern over the lack of a public plan to deal with the growing traffic numbers at a crucial mid-town uncontrolled intersection. As Kevin Costner said, 'Build it and they will come'. For the benefit of growth in Polwarth, we need a plan.

### Broadmeadows electorate

**Mr McGUIRE** (Broadmeadows) — (Question 7603) My constituency question is to the Minister for Roads and Road Safety. I ask the minister: what is the latest information on what is being done by the Andrews government regarding road safety, particularly the School Safety Panel? This is in regard

to Fawkner Primary School, a school in my electorate with fewer than 200 students. The president of the school council wrote to me raising concerns regarding the risk to the safety of children around the school while crossing the road. The school was advised that Moreland City Council has previously informed it that the school does not meet the council's quota of car or pedestrian volume to be allocated crossing supervisors, meaning that it can only provide supervisors at a cost of just under \$20 000 per supervisor per crossing per year. They have asked what is being done by the Andrews government to cater for schools such as Fawkner Primary School and if any recommendations have been made by the School Safety Panel, which has been established to look at these issues and hopefully provide a remedy for this situation.

## WITNESS PROTECTION AMENDMENT BILL 2016

### *Second reading*

### Debate resumed.

**Mr CARROLL** (Niddrie) — It is my honour to speak on the Witness Protection Amendment Bill 2016, which is very important legislation. Firstly, I will pay some credit, if I may, to the Kirner government, which was the first jurisdiction in Australia to legislate for witness protection by passing the Witness Protection Act 1991. The second-reading speech of the then police minister, the Honourable Mal Sandon, states that the act was:

... designed to help the police combat organised crime and to solve major crimes of violence —

and —

... encourage witnesses to come forward, safe in the knowledge that they will be fully protected ...

I also want to briefly touch on the importance of this legislation. As the member for Box Hill said, the previous government did kick off the process essentially with the review conducted by the Honourable Frank Vincent, under the member for Rowville when he was Minister for Police and Emergency Services. It was then taken up by the former police minister, Minister Noonan, and by Minister Scott in his time as acting police minister.

This is an area of public policy that has bipartisan support. The parliamentary library has provided an outstanding brief on the history of witness protection since 1991. Essentially you can have no rule of law if you do not have a strong witness protection regime. This legislation goes to the heart of the purpose of

witness protection, its governance, its administration, having community confidence and making sure that there is a deterrent to witness intimidation.

As Frank Vincent said, no witness equals no case. We must do everything we can as a government to make sure that all the work that went into the review conducted by Frank Vincent is acknowledged, and this legislation is about ensuring that all the recommendations are implemented.

I note that the Minister for the Prevention of Family Violence is at the table. When you read the history of witness protection in this state, you find that it was once really about violence and protecting people. That is very much what has been at the heart of witness protection for a very long time. I know the royal commission did not go into any real detail or make recommendations around this area of public policy on witness protection, but I think we must recognise just how important witness protection is in the 21st century. It is an important area of violence and family violence, so we need to have an incredibly strong regime in place.

I remember when the Hodson murders occurred. Like everyone right across the state, I was incredibly shocked. This family had refused witness protection. Essentially they believed that their own personal security at their home would be okay and that they would be safe. History has proven that that was not the case. One of the big areas of witness protection that does need to be grappled with is witnesses who refuse witness protection. Frank Vincent should be commended for his wide-scoping report.

I also want to highlight an article that appeared in the *Age* of 2 February last year. The article refers to Mr Ron Iddles, who, as we all know, is now the secretary of Police Association Victoria. The article states:

Mr Iddles said the force's desire to solve corruption or other high-profile cases often overrode the need to prioritise 'the safety of witnesses'.

'We all want to have a successful outcome in relation to court cases, but I don't think we do it at the expense of a witness's life', he said.

Mr Iddles also revealed he recently told retired judge Frank Vincent —

who at the time was leading the review of the state's witness protection laws —

... that further reforms are needed, including measures to better protect witnesses who don't want to join the witness protection program ...

'We need to look at how we are going to look after that witness ...

'Sometimes we think, 'Well that's it, job's been done, we've got the conviction, let's move on'. That witness is still at risk for the rest of their life'.

I touched on the Hodson case earlier, but there have also been other cases, and I am sure speakers who follow me will highlight them all.

I think it is very important, though, to highlight that all of Mr Vincent's work, all of the eight recommendations, are being implemented. I am not going to go through every one in detail, but I do want to highlight that the amendments to the Witness Protection Act 1991 include a clear purpose and underlying principles. Secondly, the scope of the act is extended to include high-risk witnesses and their families who are either unwilling or unsuitable to enter the witness protection program. Just on that point I made before, for witnesses that do not want to enter the program, what measures are going to be put in place to ensure their safety? The chief commissioner should still be responsible for implementation of the act and its broad discretion, though that should now probably be based on the act's purpose and principles.

The wide immunity available to police and other officials in relation to witness protection should be removed. Instead Frank Vincent recommended that indemnity should be limited to the decision to enter or not to enter a person into the witness protection program and the activities of the registry of births, deaths and marriages regarding the making, alteration or cancelling of records in line with Supreme Court orders. He also recommended that the terms of a memorandum of understanding between the chief commissioner and those entering the witness protection program or alternative arrangements should be legally enforceable and that each case under the Witness Protection Act should be reviewed at least once every two years. In the interests of public accountability he said an independent body should monitor the operations of the act to ensure the act's principles are put into practice, and the operation of the act should be reported publicly, subject to the relevant security and operational requirements. Finally, he said there should be a new indictable offence to deal with witness intimidation behaviours, with a maximum penalty of five years.

This government does take very seriously measures to keep the community safe. We have also worked with police to give them the powers and resources that they do need. We are implementing all eight recommendations, ensuring that legislative change, as recommended by the Honourable Frank Vincent is

done in accordance with his review of the Witness Protection Act. As I mentioned earlier, it was the previous government that first announced the review back in March 2014, and as I said earlier, several ministers later there is bipartisan support on this issue.

This review and this legislative reform we are doing will ensure that witness protection is well functioning and that the rule of law is applied and maintained. The review that Mr Vincent undertook really does build the case for sensible and targeted legislative change to improve the governance administration of witness protection structures. Upholding the criminal law and maintaining civil order depend on witnesses being prepared to give evidence to the court. As I said earlier, in Mr Vincent's own words, 'No witness equals no case'.

In my remaining minutes I do want to once again highlight the work put in all the way back to the Kirner government, and I highlight the work of Mal Sandon, to put Victoria very much at the forefront of witness protection regimes. When you read through the parliamentary library's brief on this bill, you see successive governments — the Kennett government, the Bracks and Brumby governments, the Baillieu and Napthine governments and the Andrews government — all working to ensure that we have a strong whistleblower protection scheme.

We have made very important strides in this area. I do believe that a lot more work needs to be done. As the minister said in his second-reading speech:

Upholding the criminal law and maintaining civil order depend to a large extent on people's willingness to participate in and cooperate with the criminal justice system.

I really do believe that the matters the Honourable Frank Vincent looked at and the recommendations in this legislative reform go to the heart of making sure that we have a strong witness protection regime. I do believe that the Hodson murders in particular shocked everyone right across this state. We need to make sure that essentially there has been cultural change in relation to witness protection and that police work very thoroughly when dealing with anyone. Whether they be high profile or low profile, if they are needing witness protection, it should be done to the nth degree. We can never repeat what we saw in that instance.

I am very happy to commend this legislation to the house. I think it is great that the opposition has also supported it. Successive governments have wanted to ensure that we have a strong legislative regime in relation to witness protection. We now have the Vincent review, and the time line of the act's history

right back to the Kirner government has seen a range of measures introduced. I commend the bill to the house.

**Mr D. O'BRIEN** (Gippsland South) — I am pleased to rise to speak on the Witness Protection Amendment Bill 2016, and I echo the comments of the member for Niddrie about the bipartisan nature of this piece of legislation. As has been pointed out, the criminal law relies quite considerably on witnesses. Indeed in most instances if you have no witness, you have no case. I guess that is why it was alarming to read some of the comments made by the Honourable Frank Vincent, AO, QC, in his report that indicated that Victoria Police kept 'remarkably little' data about those in its care and that the witness protection program was not highly valued by police. That is a concern, and I will come back to that in a bit more detail later.

As has been outlined, this bill implements the eight recommendations of the Vincent review. That review was established by a former Minister for Police, the member for Rowville. The bill is a continuation of important reforms over the years that have ensured that our criminal justice system works well, that those who are party to it, from a witness perspective, are protected and that justice is served.

The bill amends the Witness Protection Act 1991, which is the principal act, and the Crimes Act 1958, and makes a number of other consequential amendments, and as I said, it implements the eight recommendations from the Vincent review, which was tabled in Parliament only two months ago. The reforms of the bill improve the governance administration of witness protection in Victoria, including in particular giving the Public Interest Monitor (PIM) a role in the oversight of the witness protection program. The independent oversight is split between the PIM and IBAC, with the PIM monitoring witness protection decisions, providing assurance that decisions are made in accordance with the witness protection principles and in the public interest, while IBAC will do the annual audit of police compliance with record keeping under the act. On that point, it was again a little bit concerning to read some aspects of the Vincent report. It was reported in the *Herald Sun* on the day of the release of the report that there was limited staffing and limited resources put to even basic record keeping in the witness protection program. The bill will go some way towards addressing some of those deficiencies.

The bill also extends the scope of the act's governance reforms to a broader range of witness protection conduct. As the member for Box Hill and the member for Niddrie have outlined, participation in the witness protection program results in a fundamental change in a

person's lifestyle. They regularly have to undergo a full change of identity and undertake a new lifestyle, cutting their ties with family and friends and often moving interstate or potentially even overseas. These are measures that cannot be imposed on a person easily unless they are willing to be involved, so there are some high-risk witnesses and those witnesses who are either unwilling or incapable of cooperating with these kinds of measures and whom Victoria Police protects as so-called category B people through alternative arrangements outside the act.

This bill brings a new decision-making and governance arrangement to bear on those categories of witnesses and also goes on to provide some of the statutory protections that exist, such as FOI exemptions and criminal offences for those who knowingly expose the identities of such people to put them at risk. That will also extend to these category B witnesses. There is also a narrowing of the scope of the current broad immunity provided in the act so that it is targeted to the key decisions of the Chief Commissioner of Police to provide or not provide protective assistance and to facilitate any Supreme Court-ordered name changes.

Of course an important element of the bill is that which deters witness intimidation through a new witness intimidation offence, attracting up to 10 years imprisonment. The member for Niddrie highlighted a number of very high-profile cases of severe witness intimidation. Indeed we know of the very distressing attacks and indeed deaths of some witnesses in key cases that have occurred over the years. This new offence fills a gap in the law between the summary offence of harassing a witness, which carries a one-year maximum penalty, and the common-law offence of attempting to pervert the course of justice, which carries a penalty of up to 25 years imprisonment. Consistent with the offence of attempting to pervert the course of justice, the new offence covers the intimidation of witnesses, potential witnesses and other justice system participants, such as judicial officers, prosecutors and jurors and their loved ones or business interests where the requisite intent can be made out. These are important changes that will ensure that the law can be implemented without fear or favour from those who would seek to get away with — in some cases literally — murder and particularly make sure that our witnesses are protected.

The member for Box Hill has indicated that we certainly support this bill on the basis that it is the right thing to do but also on the basis that it is based on the recommendations of the Vincent review that was commissioned by the coalition in government in March 2014. At that time the former coalition government

implemented interim legislative provisions via the Witness Protection Amendment Bill 2014 which ensured that the important aspects of the bill now being enacted were at least put in in an interim sense, because upholding the criminal law and maintaining civil order depends on the preparedness of witnesses to give evidence and to testify in court. Often it is in a very uncomfortable situation for witnesses, where known and often violent criminals, criminal gangs and other organised crime networks are involved. There are certainly fears for those witnesses in any case. I must say that in my own case I would be nervous about providing evidence in a court irrespective of the accused, but certainly in these more high-profile cases involving career criminals and organised crime it would be a brave thing to do. It is important that our witnesses are protected and given the appropriate legal protection and practical protection.

The Honourable Frank Vincent has outlined a number of those shortcomings in the way the police manage the system at the moment. As I referred to earlier, on the day of the release of the report the *Herald Sun* reported some of Mr Vincent's comments. He said that witness protection was 'not highly valued' by police and was viewed as an 'unfortunate necessity' for successful investigations. Of more concern is this statement:

Indeed, the fate of some persons admitted to the program over the years was at the time unknown and has subsequently been the subject of a remediation process.

In other words, police actually lost track of some of their witnesses, which is a concern for justice and also for those people's safety in the future. Mr Vincent also said:

I am strongly of the view that even in the absence of appropriate governance structures, if the proper role and significance of witness protection had been appreciated at the higher level of police command, many of the problems encountered today would not have emerged.

He was highlighting that there was as much a cultural problem as there was a structural problem. I hope that the passage of this bill will not only address any of the structural problems but also send a signal from the Parliament to the police and to police command that the witness protection program must be treated seriously and that appropriate attention and resources must be given to the protection of witnesses in these important cases. As such the opposition is pleased to support the bill, and I commend it to the house.

**Ms WILLIAMS** (Dandenong) — It is my pleasure to rise in support of the Witness Protection Amendment Bill 2016. As we have heard, this bill comes on the back of the review of the Witness Protection Act 1991

undertaken by the Honourable Frank Vincent, AO, QC. This review examined whether the Witness Protection Act 1991 remains fit for purpose and whether anything can essentially be done to improve it. More specifically this bill will implement all eight of the recommendations in Mr Vincent's report, which outlined some necessary legislative reform. Seven of these recommendations concerned improving the operation of the Witness Protection Act and one of the recommendations concerned deterring witness intimidation.

We know that for our criminal law to work properly and, most importantly, justly we need people to participate in and cooperate with the criminal justice system. Sometimes this comes at great personal risk and we need to be able to mitigate that risk and protect witnesses in order to encourage their participation. Without witnesses, and more importantly without witnesses who are prepared to share the information that they have, courts often cannot secure convictions. It is as simple as that. In that sense witnesses are vital to the functioning of the rule of law in this country and in many others.

There has been much coverage in recent months outlining concerns about the operation of the witness protection program as it currently stands. Much of the coverage has focused on circumstances around very high-profile cases like the Hodson murders and the subsequent murder in prison of Carl Williams, but the issues identified go beyond those headline cases. The Vincent report raises concerns about the unavailability of data about those in the witness protection program and about attitudes towards the program within Victoria Police, or a cultural problem, as the former speaker termed it. There have also been concerns about whether the level of care provided to some witnesses was sufficient. This is obviously a significant issue in that to attract people to give statements and evidence they have to have confidence in the program's ability to protect them. If there are shortcomings in the program that mean the protection is not at the level it should be, obviously it is going to be more difficult to encourage people to make use of the program for the greater good, if you like, of securing convictions of dangerous criminals.

It should also be noted though that in addition to the reforms outlined in the bill today, Victoria Police itself has made improvements to how it manages the witness protection program, and it has allocated additional resources to the program. I think all in this place would agree that those efforts are welcome. As we have heard, the Chief Commissioner of Police administers the Victorian witness protection program and must take

into account many considerations when deciding whether to include a witness into the program. These considerations include the seriousness of the offence, the importance of the witness's evidence, the witness's criminal history, medical or psychological examinations, risk assessments and the availability of any alternatives to witness protection.

The decision to be part of the witness protection program obviously requires consent and cooperation from the witness. It cannot be imposed upon someone. Being on the program requires an individual and sometimes their entire family to undergo significant life changes such as a new identity, a new lifestyle and cutting ties with friends and family. It is really quite onerous in that regard and therefore it is not the sort of thing you would expect we could impose upon somebody without them being actively willing and able to maintain, I suppose, their own anonymity. These are very significant changes to an individual's circumstances and obviously also require a very high level of personal sacrifice for those who participate in the program, and there is often quite a high level of danger.

The chief commissioner also has discretion as to what kinds of protection measures are provided. This is a very broad discretion but it will be given greater clarity through the bill before us today. The bill retains the chief commissioner's discretion but will assist decision-making by providing a clear purpose and new principles that will be independently monitored by the Public Interest Monitor (PIM). The Public Interest Monitor will have a real-time monitoring role in relation to important witness protection decisions. This will provide some assurance that these decisions are made in accordance with both witness protection principles and the public interest. The chief commissioner will be required to take the PIM's recommendations or reports into account when making key witness protection decisions. However, the PIM cannot direct the chief commissioner to make a different witness protection decision. The bill will also require case reviews at least every two years and it will require appropriate public reporting of activity under the act. That goes to a greater level of transparency of the program and better governance.

Further reforms include extending the Witness Protection Act's scope to include a broader range of high-risk witnesses who may be unsuitable or unwilling for entry into the Victorian witness protection program but who are subsequently provided with alternative protection arrangements. I said earlier that the program requires significant life changes, and the reality is that some people are unwilling or unable to make the

required changes to enter the program. These so-called category B witnesses are protected through alternative arrangements that currently sit outside the act. The Vincent review notes that there are:

... practical limitations on what can be done —

to protect these witnesses — but also states:

... it does not follow that there should be no responsibility to take reasonable steps to protect them, if for no other reason than that it is very much in the community's interest to do so.

By bringing these witnesses under the act via the provision of alternative protection arrangements, an improved governance and accountability framework will apply. Other statutory protections in the act will also apply, including the Freedom of Information Act 1982 exemptions and a criminal offence for those who knowingly disclose information about such people and put them at risk.

This bill will also remove the act's current broad immunity for police conduct in order to increase police accountability for delivering protective assistance. In accordance with the Vincent review's recommendations, existing immunities will continue for key decisions of the chief commissioner to provide or not provide protective assistance and for the Victorian Registry of Births, Deaths and Marriages staff to facilitate Supreme Court-ordered name changes.

Finally, as other speakers have touched on, a very significant measure in this bill is that it will create a new offence with up to 10 years jail for intimidation towards or reprisals against witnesses or third parties because of a person's known or believed involvement in a criminal investigation or proceeding. This will fill a gap that currently exists within the criminal law. This new offence does not replace the current summary offence, which essentially means that the police have greater flexibility when they charge an individual who they suspect has been engaging in intimidating behaviour towards a witness.

What we see is that this bill implements some much-needed reforms to the witness protection program, a program that is incredibly important to ensuring the police and the courts can secure convictions for serious criminal offenders. I know from discussions quite unrelated to this bill that I was having with a friend and constituent that there can occasionally be some discomfort among some in our communities that, in order to secure convictions, we may need to protect other sometimes equally unsavoury people, or those with a variation in the degree of unsavouriness. In having that conversation and thinking about that level

of discomfort and about the reality of protecting some who themselves have significant criminal backgrounds in order to secure convictions of others, we really need to focus on the fact that ultimately it is about a balance and that the outcome does usually justify the means, especially when the alternative may well be that serious offenders escape punishment entirely. I suppose one of the benefits, too, of having someone in witness protection is that their whereabouts are known and their contact either directly or indirectly with the police is, if not frequent, monitored to a degree where others are kept largely out of harm's way, you would hope.

Ultimately this bill is very sensible. It meets a need that has been well identified in the press in recent times and also among those seeking protection and others in the legal profession. I commend the bill to the house.

**Mrs FYFFE** (Evelyn) — I am pleased to rise to speak on the Witness Protection Amendment Bill 2016. In an ideal world, when someone breaks the law, witnesses would come forward immediately to provide evidence that could lead to a conviction, recognising it is their civic duty. However, often what stops a witness's willingness to give testimony is fear of retribution. Witness protection is particularly important in the fight against organised crime, whether it is bkie gangs, the Mafia, Apex or terrorists. Traditionally these groups operate as closed societies that dispense their own forms of violent justice against 'rats', or informants. If members step out of line or become a risk to the functioning of the crime syndicate, the threat of harm to the prospective witnesses and their families, whether real or imagined, is often enough to prevent them from coming forward to give evidence. However, it is in the community's interest that our authorities are able to penetrate these organisations to break them down and obtain convictions of ringleaders and henchmen.

Sometimes at the crime scene physical evidence will not be found, particularly when dealing with crime syndicates capable of meticulously planning and executing crimes to avoid identification. Sometimes this is done with the help of insiders in the justice system, and this is when witness evidence becomes pivotal to a trial. It also can be a dangerous time for a prospective witness, as witnesses to organised crime are seldom innocent bystanders. Rather, they are likely to be someone directly linked to the organisation. It is with this knowledge that the police can consider offering the status of protected witness and penal codes can offer a lighter punishment or other benefits to help zero in on the centre of the organised crime syndicate.

Currently, in deciding whether a witness qualifies for witness protection, the Chief Commissioner of Police must have regard to the seriousness of the offence, the importance of the witness's evidence, the witness's criminal history, a risk assessment, medical and psychological examinations, if required, and the availability of alternative methods to protect the witness. While that may be fairly robust, it has become apparent that issues have developed at the backend for people who have qualified for witness protection, and these issues must be dealt with.

The last time witness protection was reviewed was in 2005, by the Office of Police Integrity. This review found that Victoria's police needed greater awareness about the risk to witnesses, particularly those who fall short of the criteria for protection. The Honourable Frank Vincent, QC, recently reviewed the Witness Protection Act 1991 and made seven recommendations to improve the operation of the act and one recommendation to deter witness intimidation, and this bill implements all eight recommendations.

Somewhat disturbingly, it was reported in the *Herald Sun* of 24 March that the report found that police had lost track of people in Victoria's witness protection program, and keep little data about the people in their care. It is astounding that this has occurred, given it was 11 years ago that the last review was completed. The reason for the lack of data was attributed to inadequate police resourcing and a low level of appreciation by higher police command of the importance of witness protection. Compounding the problem, only three members of the witness protection unit had undertaken the national witness protection training course. Mr Vincent said that the failures were as much cultural as they were structural in nature.

It was also found that some witnesses who were not subject to the highest levels of protection had lost support once they had given evidence. Without immediate reform, other prospective witnesses would be left feeling vulnerable and have little confidence in the police's ability to provide adequate protection to make the risk worth it to the witnesses.

The key changes this bill makes include that decision-making by the chief commissioner will be guided by new witness protection principles that will be monitored by the Public Interest Monitor, and the bill will introduce alternative arrangements for witnesses and their family members who are either unsuitable or unwilling to make behavioural changes to enter the witness protection program. These arrangements fall outside the witness protection program. However, by

including them in the bill, it will provide a mechanism for improved governance and accountability.

The bill will redress absolute immunity for conduct under the Witness Protection Act in relation to the chief commissioner, police officers, IBAC, and officials of the births, deaths and marriages registry. It also empowers the Public Interest Monitor to provide independent assurance that witness protection decisions are consistent with the act and in the public interest. It strengthens IBAC to audit Victoria Police's compliance with record-keeping requirements for witness protection documentation. The bill will also require a review of each case at least every two years. The bill amends the Crimes Act 1958 to prohibit the intimidation of and reprisals against witnesses and other people involved in criminal investigations.

I do not have any significant concerns with the bill. Each amendment represents an improvement in how the witness protection program is administered. However, I am disappointed that the review from 2005, which was also under a Labor government, failed to detect the issues identified in this review, which clearly have been present for a very long time, especially with regard to record keeping and follow-up.

I do wonder, though, whether enough consideration has been given to ways of easing some roadblocks for witnesses in protection, which include difficulty in finding work because they cannot provide the details of former employers, difficulty getting a marriage licence if they want to remarry, and the fact that they lose their home and their car and sometimes their family. It is a big roll of the dice a witness makes when deciding to cooperate. For many, it is similar to a bereavement, in that they must say goodbye to everyone they love.

We have to remember that it is not just associates of criminal organisations that go into witness protection. It is often completely innocent people. For example, in the UK a woman who was raped by someone she knew underwent sustained intimidation from friends of her attacker. Her flat was trashed and her children were targeted. She and her children had to go into witness protection.

Witnesses, who are often also victims, have no choice and often their only hope is to live an existence in identity limbo. In extreme cases, witnesses may be forced into relocating overseas, and even then they report never knowing the feeling of safety ever again. They always look over their shoulder. And it is not a glamorous life. An article in the magazine section of BBC News online has quotes from one of the UK's

witness protection program's top case managers. It says:

For many people entering the scheme, the threat to their lives is so great that they must say goodbye to friends and family — sometimes forever.

It's been likened to a bereavement ...

There is another quote, from a woman called Carla, who is in witness protection in the UK:

It's not glamorous. You don't get put in a nice big house somewhere and get loads of money in your bank ... That's what a lot of people think that happens when you go into something like this, but you just don't. Your life is no better or no worse.

Probably for the purposes of keeping these individuals safe, there is little the general public knows about exactly how witness protection operates in practical terms. Yet the witness's decision can have a tremendous impact on our safety as a community. I am not saying they should be rolling it up on the taxpayer dollar like a *Real Housewife of Melbourne*, but nor should innocent witnesses be almost on the poverty line. This group of people cannot come forward easily and advocate for their rights without risking identifying themselves, so I felt it was worth putting on the record that the reality of life on the witness protection program may be a far stretch from what Victorians imagine.

A strong witness protection regime is vital to having safer streets, and I am pleased that the government has committed to implementing all eight recommendations made by Mr Vincent.

**Mr McGuire** (Broadmeadows) — Witness protection reforms are vital and urgent because they are of fundamental importance to maintaining the rule of law. Put simply, in the words of former Supreme Court judge Frank Vincent, 'No witness equals no case', and I am delighted that the Victorian government is implementing all eight recommendations of his review. This is particularly important because what he found was that Victoria Police actually lost track of people in the witness protection program.

I know it sounds extraordinary that that would be a revelation in a report to the Victorian government in this time, but I can actually provide some background from a part of my professional career as an investigative journalist when I was at the ABC with regard to witness protection in relation to two of the most heinous crimes in this state's history, the Russell Street bombing and the random selection and execution of two young and innocent police officers in Walsh Street, South Yarra. I had dealings with people who were involved in witness protection regarding the

Russell Street bombing, and that in itself, the fact that the ABC was able to get an interview with somebody who was then in witness protection, echoes that the police had lost contact with this person.

That is why I am saying these reforms are vital and urgent, because there are systemic problems. While Frank Vincent has gone out of his way to look at what can be done in a cultural and structural way, I would add that these have been historical problems as well. This is a very important piece of legislation, and I am glad to hear it will have bipartisan support. I want to commend the government for acting so swiftly on this matter that is vital to the conduct of the criminal justice system.

Just to put this in context — I am going back to the early 1990s now; that is why I am saying it beggars belief that similar sorts of problems echo today and that this is what could happen — I quote Frank Vincent himself. He is reported as having said:

... it was a 'sorry state of affairs' that police did not keep 'even a rudimentary manual register' of witness protection cases, which the force told him would have been 'prohibitively onerous'.

That, I guess, goes to the issue of resourcing that needs to be addressed. The report continues:

'The approach to witness protection within Victoria Police has been based throughout on the view that, although not part of the ordinary policing functions, the provision of protective assistance is an unfortunate necessity if investigations are to be successfully pursued, but it was not highly valued ...

This is a critical point. With some witnesses who go into protection the issue is that they may have either been players themselves within the crime or have long criminal histories. So this is a delicate negotiation on how they end up being witnesses to testify, to seek justice, and I think this is the cultural flashpoint between some police officers and witnesses.

To go to the case regarding the protected witness for the Walsh Street murders, there were accusations that he made that he was not given what he had expected to be given under the negotiated proposition. He later said that he had been given undertakings about plastic surgery and a new identity and other things that were not, he claimed, adhered to. So this, as I say, is a really important but sensitive area of the negotiations so that you have people who are protected witnesses who are testifying, and their motive then becomes a critical point as well. I am just concerned that it has gone on for so long, given the insight that I was able to have decades ago.

To go to what the remedy is, I think this is important. I would like to acknowledge Frank Vincent for not just his long and distinguished career at the bar as a QC and a judge but his career after his time on the bench and the way that he has provided valuable insights and experience. He was the trial judge at both the Walsh Street murders and the Russell Street bombing trials, so he understands probably better than anybody else how this tension between police on one hand and protected witnesses on the other plays out — getting to those cultural and structural issues I think has been really important.

I would also like to commend the assistance that he has provided on other issues, just on a personal level, with the inquiry into the child sexual abuse that delivered the *Betrayal of Trust* report. He provided invaluable guidance to all the members of the Family and Community Development Committee, and that is a unanimous view. I think it is important that we do see the value of our elders and the experience and insight that they bring, so I would like to put that on the record in the house.

The approach to witness protection within Victoria Police, as Mr Vincent identified, has been based throughout on the view that, although not part of the ordinary policing functions, the provision of protective assistance was an unfortunate necessity. I think that needs to be addressed and that it is seen and framed in a different light. The fact that it has not been highly valued in the past I think needs to be addressed because the end result is if we do not have witnesses, we do not get a trial and there can be no convictions to bring those accountable to justice.

Failures in this area have been cultural and structural, and although there has been a great deal of attention given to this aspect over recent times, it is not clearly evident that the situation has sufficiently changed. That was another criticism that Mr Vincent made. I think that is also troublesome — that even though the problems had been identified, the change had not occurred. Mr Vincent is reported as having said that:

... some witnesses who were not subject to the highest level of protection had lost support once they had given evidence in criminal proceedings.

That is the reference that I am making to one of the protected witnesses in the Walsh Street killings, of course one of the most controversial trials that we have had in Victoria.

These are the deficiencies that I am glad are now being addressed by this legislation so that witnesses will be able to testify. I would like to acknowledge the Minister

for Finance who is at the table and who as the Acting Minister for Police readily came out straightaway and said that witness protection reforms would ‘ensure greater oversight and accountability’, and the government has acted on that. This is a bipartisan approach. The review was instigated by the former government, and the Andrews government will take every measure required to keep the community safe, work with the police and give them the powers and resources that they need.

The government is implementing all eight recommendations made by the Honourable Frank Vincent for legislative change. It is really important to make sure that we get to the point where witnesses can testify, can have greater certainty about their security and the public can have greater certainty about their motive and then when they get to court that is tested in a rigorous and adversarial way. That is the mechanism we have to try to get to the obtainable truth. I think this will enhance our criminal justice regime, and I commend the bill to the house.

**Mr CRISP (Mildura)** — I rise to speak on the Witness Protection Amendment Bill 2016 on behalf of both The Nationals and the electorate of Mildura. The purpose of the bill is to amend the principal act to improve the governance and administration of protection and assistance provided under the act and to promote community confidence in the operation of witness protection schemes. A part of this is to extend the act’s scope to improve witnesses facing high-level risk and whose arrangements for protection assistance currently fall outside the act. I think this is important. As we look at this, the focus of my speech will be applying this to criminal activity, particularly the criminal activity associated with outlaw motorcycle gangs and how they are active in the communities I represent.

Similarly, at this point I want to pay tribute right up front to the work done by the police in their investigations that are undertaken particularly in relation to outlaw motorcycle gangs. They are well known for the activity they get up to, and they are very much attributed within the Mildura electorate as being behind the current scourge of the drug ice. In order to do that police have had to have high levels of intelligence and have had to rely on information from a whole lot of sources to combat these operations. Outlaw motorcycle gangs are highly organised, very well structured and very well resourced. That means that we have to match that with a police force that can do that.

During the previous government’s time additional police came to Mildura, and many of those were placed

into two key areas: family violence and dealing with criminal activity, particularly of drugs and the outlaw motorcycle gangs. In order to gain that intelligence and ultimately convert that intelligence into a conviction in court, you are going to need witnesses to give reliable evidence. That is where we come to the nature of this bill, which is updating what is offered.

I will now work through some of the specifics involved here. It extends the scope of the act to include witnesses facing a high level of risk. I think anyone who has anything to do with outlaw motorcycle gangs will know that there is a high level of risk. They do very heavily enforce silence; they do intimidate people; and that is very much a barrier. When there is serious criminal activity involved — and it seems by the presence of these gangs that they are very much involved in serious criminal activity — there is a risk to anybody who talks to the police, and even more so, anyone who goes on and is prepared to give evidence. We do need to properly protect these people.

The bill establishes the principles to which specified persons may have regard when making decisions to take action under the act. We do need guidelines about how we are going to protect the people who give evidence. The bill establishes a framework for independent monitoring of the operation of the act and limited public reporting of activity under the act subject to the appropriate safeguards. As I said, we need a framework not only for the police who are initially working with people who are prepared to give information but also we need to be out there for those people to have confidence that the system will protect them if they take that step. The bill also revises the immunities under the act. This is very much a chicken and egg situation of someone who has the courage to give evidence but wants the security to know that they can be protected once they have given that evidence. The bill provides for regular reviews of the protection afforded under the act.

The bill came about because of the Vincent inquiry, which resulted in eight recommendations. I note that both sides of the house are supportive of those recommendations, as we are showing by our support for this bill. There will be a number of things that will change, and there is certainly some scope now for alternative protection arrangements. These arrangements mean that protection and assistance will be provided by the Chief Commissioner of Police through arrangements that fall outside the Victorian witness protection program and that assistance may be provided to a witness or a witness's family members who are considered for but not included in the witness program and who face a high level of risk due to their

involvement in the criminal justice system. The definition is used in various bills to extend the scope of the act. We have given the chief commissioner a little discretion here to deal with this.

Going back to my interest here, when you are dealing with organised crime, you need to have some room to move in order to secure the evidence that you need and for people to safely give that evidence. There is also going to be a role for the Public Interest Monitor and for IBAC to oversee how this is structured to make sure that it is not used or abused and that it is operating in the way that we, the people of Victoria, want it to operate. The bill's provisions in relation to the Public Interest Monitor are to provide assurance to the community that the public interest and witness protection principles are adequately represented and considered when important witness protection decisions are made. The bill brings that into play. Similarly IBAC also has a role, which is to monitor the chief commissioner's compliance with regard to record-keeping obligations under the act and to make recommendations and report to the chief commissioner on matters arising out of the compliance and monitoring function. The two bodies — the Public Interest Monitor and IBAC — need to communicate with each other.

I think it is an unfortunate but vital part of our justice system that we have to have these extensive arrangements for protecting witnesses. I think long gone are the days when in dealing with organised crime you could just rely on people being able to come forward, give their evidence and resume their lives almost as if nothing had happened. That is always the hope, and in most cases it is the case. Given the nature of organised crime — and in my electorate particularly the outlaw motorcycle gangs have been very active and aggressive in the way they have dealt with people — in order to get the evidence we very much need to be able to deal with these people as they should be dealt with for the protection of our community, and this bill is a step in the right direction.

Naturally, of course, I have to ask again that more police be involved. This is very much a case of needing those arms and legs, particularly in the intelligence area, to at least get a start in developing the prosecutions that will clip the wings of and hopefully lead to the elimination of these organisations. They generally peddle misery for everybody, which is no more apparent than in some of the terrible stories that come through in all of our lives about the drug ice. Ice is very much the economic driver for many of these outlaw motorcycle gangs and does need to be controlled. We have to be strong in controlling it, and

we need to protect those who give evidence against these monstrous organisations. I commend the bill to the house.

**Ms KILKENNY** (Carrum) — I am really pleased to be able to contribute to the debate on the Witness Protection Amendment Bill 2016. As we have heard, this bill is also a bill about keeping our community safe. It is also a bill about promoting community confidence in the operation of the Witness Protection Act 1991. This bill delivers a suite of legislative reforms to a component of that, and it is a very important component — witness protection in our criminal justice system. We have heard from many speakers just how important witness protection is to our criminal justice system. Our justice system depends on the cooperation of victims and witnesses to provide important information and evidence to our courts of law, and prosecutors of course depend upon witnesses who are reliable and whose evidence can be accepted as truthful, accurate and complete.

Last year I was probably one of the many thousands and thousands of Victorians who overindulged in a series called *Making a Murderer*, put out on Netflix, and I think following that so many of us claimed to be experts in the field of criminal law and the criminal justice system! But I think despite all else it did show us that clearly there is an overwhelming need for us to make sure that we are absolutely scrupulous with the means of obtaining evidence and protecting witnesses to ensure that the evidence they give is accurate and truthful and that it serves the purpose of our justice system and assists the courts, the judiciary and our jurors in coming to the right decisions.

I think also here in Victoria we can certainly take a great deal of comfort in knowing that we have a top-class, world-first judicial system, which is supported of course by an extraordinary Victorian police service and that we are continually striving to make enhancements and improvements to the system for the sake of a better justice system for all of us. I guess it is against this background that retired Supreme Court justice Mr Frank Vincent was asked to conduct his review into the Witness Protection Act. In particular he was asked to consider whether that act is still fit for purpose today.

In delivering his review last year — and I note that a version of that review was tabled recently in Parliament — he put forward a number of recommendations, eight in total. Seven of those recommendations looked at ways to improve the legislative framework for witness protection in Victoria — specifically that was to improve the

governance and administration of protection and assistance that is provided to witnesses — and a further recommendation was one to deter witness intimidation. It is very pleasing to note — and I also note that we have full support on both sides of the house — that this bill implements all eight of those recommendations. To do this there are some amendments to the Witness Protection Act itself, and to introduce the new offence of witness intimidation there is an amendment to the Crimes Act 1958 and a number of consequential amendments to other acts.

I think it is also important to note that this bill was developed in close consultation with the Chief Justice of the Supreme Court and the juries commissioner, as well as Victoria Police. All those bodies were consulted about this bill and are in support of it. I also note that the recommendations and this bill build on the recent improvements that have been made by Victoria Police on how it manages witness protection in Victoria. They include the allocation of additional resources and the implementation of stronger governance arrangements. There has been recent criticism regarding witness protection in Victoria, and I know that Victoria Police is working extremely hard in this area. This bill consolidates that work and promotes a greater witness protection system for all of us.

We know that governments obviously need to work very closely with police to make sure they have the resources, tools and skills they need to keep communities safe and to keep us out of harm. That is why it is really pleasing that in the budget this year the Andrews Labor government has made a record investment in police as part of the public safety package. We have heard there is funding for an additional 406 sworn police officers, with 300 extra frontline police to be deployed across Victoria. We contrast that with the coalition which, when in government, did not fund a single extra police officer.

We can be extremely proud of the investment that this government is making in law and order, and of course witness protection forms a very integral and important part of this. We know that Victoria has been a leader in witness protection. In fact, and I did not know this, Victoria was first in passing witness protection legislation back in 1991. The Vincent review — and of course this bill, which implements all eight recommendations in the Vincent review — provides another opportunity for us here in Victoria to continue to lead the way in witness protection.

With my background as a lawyer I could speak for ages on the importance of the rule of law. That is something we should be very proud of in Victoria, and of course in

Australia. We are governed by the rule of law, and whilst it is a fairly comprehensive and complex concept, it is fairly summed up by saying that all people and all institutions, and that includes governments, are subject to laws which are democratically made and all people are to be treated equally before those laws. The opposite of the rule of law is arbitrary law, and we need also to distinguish rule of law from rule by law.

If we are seriously committed to protecting human rights, if we are serious about keeping our communities safe and if we want to see sustained economic progress and development, it is crucial that we operate according to the rule of law. This means having certainty and consistency around the manner in which our laws are made, administered and enforced. In this context, as we have heard, witness protection has a very important and crucial role. This is because upholding the criminal legal system and maintaining civil order depends on witnesses being prepared to give evidence in court. Obviously therefore the need to protect potential witnesses, witnesses who may be at personal or other risk as a result of assisting law enforcement, is a vital part of the picture. As former judge Vincent said in his review, where you have no witness, you have no case.

This bill is designed squarely with this in mind to ensure that we are offering protection — and adequate protection — to witnesses to make sure that they are available to provide the evidence to court that is needed for proper maintenance of justice and prosecutions.

**Sitting suspended 1.00 p.m. until 2.02 p.m.**

**Ms KILKENNY** — As I was saying before the break, we can all be very proud in Victoria of the investment that the Andrews Labor government is making in law and order. This bill continues with that commitment to law and order in Victoria and of course the maintenance of the rule of law here.

This bill is designed to enhance the administration and governance of witness protection under the Witness Protection Act 1991. We have heard that this bill will actually provide greater safety to high-risk witnesses, to those who have not been included in witness protection arrangements previously. There will be greater oversight and accountability and transparency of witness protection arrangements while at the same time of course a recognition of the need to keep certain highly sensible decisions secret.

But importantly this bill also sets out a number of principles that must be considered when decisions are made around witnesses and witness protection, and this gives greater clarity to the purpose of witness protection

in Victoria. One of those principles, as far as is practical, is making sure there is a clear separation of the investigative and protective functions of Victoria Police. We have also heard that the bill sets out a framework for the independent monitoring of the operation of the witness protection scheme, which is another great initiative under this bill. This bill, like the Vincent review, strikes a balance between operational security and public accountability. I commend the bill to the house.

**Mr PEARSON** (Essendon) — It is wonderful to see you, Acting Speaker Halfpenny, in the chair this afternoon. I am delighted to make a contribution in relation to the Witness Protection Amendment Bill 2016. As the member for Carrum eloquently spoke earlier, the bill gives effect to the recommendations made by the Honourable Frank Vincent, AO, QC.

In preparing for this contribution I picked up a very good article written by John Silvester from 22 November 2014, which talks at great length about the wonderful contribution that Frank Vincent has made to this state. He tells a funny story from when Frank was at the bar practising criminal law. He was in a bit of a dilemma; he was due to be in Port Melbourne, I think, and Broadmeadows at the same time representing two different clients, and it posed a bit of a conflict. Frank was driving his car. I think this might have been in the 60s, at a guess, and it was a warm day. He was near the Cross Keys Hotel in Strathmore and saw John Coldrey was in the car next to him. Well, the windows were wound down because it was a warm day and they did not have any air conditioning, and Frank asked John whether he had anything on that day. John indicated that he did not. Frank then bundled up one of the files and threw it from his vehicle into John's vehicle, and they went their separate ways and represented their clients. Frank and John both had illustrious careers at the bar and subsequently on the bench.

It is interesting that we are now dealing with these sorts of issues, and I say interesting in the sense that we are looking at the need to constantly improve and develop and update and modernise our legislation to reflect the times in which we live.

I also recall, as I think many others would, when *Underbelly* first came out, that very first series. John Silvester, who was the author of *Underbelly*, talked about two young women who had seen a violent assault allegedly committed by one of the Moran brothers and who ended up in witness protection in a caravan in Warrnambool. In that particular case it became known to the family of the women involved and therefore the

Morans. So they were down in Warrnambool and a message got to them, and then subsequently they withdrew their statements and the case collapsed. That was really only in the early 1990s.

So the reality is that witness protection, particularly in most Western liberal democracies, is actually a relatively new construct. In preparing for today's debate, I was looking at various jurisdictions that have witness protection legislation in place. Canada had its Witness Protection Program Act become law in 1996. If you look at Ireland, you see its Witness Security Programme came into effect in 1997. Israel enacted legislation in 2008 and Italy in 1991. New Zealand's legislation was introduced relatively recently as well. The Republic of China introduced its witness protection act in 2000.

The interesting thing I found was that the United States was a leader in this particular area. It introduced the Organized Crime Control Act in 1970, but even before that I think the United States was the very first jurisdiction in the world to have witness protection legislation. The Ku Klux Klan Act of 1871 was introduced to protect people testifying against members of the Ku Klux Klan. That bill was hastily put together and introduced under the Grant administration in order to provide that level of protection to witnesses who wanted to testify against the Klan.

As others have said, this bill's genesis really goes back to the Kirner government. It is often the case here that the Kirner government tends to get a bad rap. We all know of course about the challenges that the government faced at the time, the significant economic headwinds — —

**Mr Wynne** — There was an unprecedented downturn in the economy.

**Mr PEARSON** — Indeed, Minister for Planning, it was an unprecedented downturn in the economy. But the interesting thing I find when I trawl through the records is that that government, which was in place really for all of 18 months or thereabouts, actually seized the opportunities that were presented to it in that brief period of time. Bear in mind this was a government that was on the ropes and did not have control of the other place, yet it worked assiduously to make many, many reforms, and this was one of them. I think again when you look at Victoria compared to some of the other jurisdictions, Victoria really played a key role in underpinning and developing these modern requirements.

Looking at the bill itself, the reality is that witness protection program entry requirements will be set by mutual agreement with the chief commissioner and the witness entering into a memorandum of understanding. I think this is a really important point to make because what you want to see happen is the person entering the program taking it seriously. The opposition has indicated that it is strongly in favour of this piece of legislation. We are all in furious agreement that we have to protect witnesses. So if you are looking at the significant taxpayer funds required to protect witnesses, then witnesses themselves must be responsible and conduct themselves responsibly in relation to these matters, and the chief commissioner will make the call as to who goes into the program and who does not. Again it is important that the onus is put back on the witness to behave appropriately and responsibly. It is important as well that we have faith, confidence and trust in the chief commissioner to exercise that discretion.

There are a whole raft of other measures in the bill of course. There will be an exemption from freedom of information requests in relation to relevant documents. This is a really important component, because while the public has a right to know about the various issues that occur within state bodies and with the administration and delivery of justice, it cannot be at the expense of identifying a witness because that would completely undermine the integrity of the system. Similarly there is a presumption that there will be closed court hearings. Again while on one hand I think you can make an argument that the public has a right to know and there is a public interest test in making sure that people see what is going on in our courts, it cannot be done at the expense of the witnesses or their families.

You could reasonably expect, for example, that if a witness were to become the Crown prosecutor's star witness in a particular case, they might want to have their family with them when they sought to appear before the court. That would be a reasonable thing to do to support someone going through a particularly stressful or traumatic time. Yet if you have that open to the public, clearly there would be the opportunity to identify the witness and also their family, and that could ultimately lead to reprisals that may occur down the track.

In relation to aspects of the bill itself I note that clause 5 relates to some of the provisions in the principal act and says that the interests of children involved in witness protection and assistance should be separately considered and their welfare should be a powerful factor in decision-making. This is incredibly important because I think an adult who willingly consents to enter

the witness protection program in order to seek sanctuary does so from a very rational point of view. If they have got children who are entering the program as well, they cannot make those assumptions, particularly if they are young children. It is important that there are some checks and balances in place to make sure that the considerations of those young children who may enter the witness protection program with their parents are taken into account.

I also note in clause 20 that the Public Interest Monitor is required under new section 20P to report to the minister on the performance of its functions. This is a really important component of the bill because I think we need to have transparency and to ensure that there is that degree of scrutiny on a regular basis.

This is an important bill. It builds on the great work of the Kirner government. I am pleased that those opposite are recognising the importance of this legislation, and I commend bill to the house.

**Mr J. BULL** (Sunbury) — It gives me great pleasure to be able to speak on the Witness Protection Amendment Bill 2016. A well-functioning witness protection program is vital to attaining the rule of law. As we have heard from other speakers this afternoon, we know that witnesses play a vital role in court proceedings and also the prosecution of those that have broken the law. In the words of Frank Vincent, who I shall discuss shortly:

No witness equals no case.

I think those are some very important words and there is a lot to be learnt from Mr Vincent.

To be a witness in any case, though, must be extremely confronting for an individual, not to mention their families, as the member for Essendon has just touched on. I ask members to consider for a moment what life would be like in the witness protection program if they were to enter it. You would need to move, uproot your life, change your job, your name, your identity — essentially change who you are. These acts are brave, not to mention underestimated.

I am very proud that this bill acts to protect witnesses by broadening the protective measures to cover a wide range of high-risk witnesses. As other honourable members have said, the bill has come about as a result of an outstanding recommendation to government from the Office of Police Integrity in the 2005 *Review of the Victoria Police Witness Protection Program*.

As we know, in March 2014 Frank Vincent examined the Witness Protection Act 1991 to see if it remained fit

for purpose and whether amendments were necessary to improve the program in its entirety. As we have heard, this review examined how the system could improve in terms of governance, administration and community confidence in our witness protection program as a whole. Upon receiving the review, the government decided to implement all eight recommendations for legislative change made by Frank Vincent.

Before I go to the intricacies of the amending bill, I would like to speak to the fact that any Victorian implicated in a crime deserves to be protected by the law and by our very hardworking police force. If an at-risk witness cannot or does not want to enter the protection program for fear of losing family and relationships or friends or does not want to take on a new identity and leave their home, then our justice system certainly does have a role and responsibility to protect them. I think the member for Essendon touched on this in his very important contribution. This bill is about strengthening these protections and ensuring that the state does as much as possible to safeguard people who are in the witness protection program. The bill addresses the existing flaws in current witness protection legislation. I think it is the responsibility of all members, in this house and in the other house as well, to make sure that we have the very best witness protection program that we can have. I also think the very hard work of Mr Vincent is incredibly important.

The first recommendation addresses a clear purpose of the legislation and the underlying principles of the act, which will always be considered when witness protection decisions are made. If we look within complex criminal cases, cooperation in police matters should always be paramount to everyone involved, which is why this bill seeks to reduce the barriers to cooperation of at-risk witnesses.

The bill also seeks to ensure that the witness protection program is not seen as an inducement or a reward and that the integrity of these processes will be maintained through a separation of investigative and protective functions in any given witness protection case.

I am certainly delighted to see the progressive adaptation of the bill through the introduction of new guidelines surrounding the protection of witnesses. It is a very important change. This decision will now be based on the risk to the individual, not on the category of the offence or the value to the investigation.

I am pleased that this bill prioritises the protection of witnesses above a successful prosecution and that witness protection will be tailored to the needs of the safety of the individual and the community. It goes

back to this notion of understanding what the program does and the vital role that it plays in the protection of the life of somebody who has some very important information about any given case at any given time and not only the responsibilities but also the risks that are presented to that individual.

If we look at the crux of this bill, we see it is intended to protect witnesses, as I have mentioned, and to improve the program as a whole. We know that the creation of a new offence, as honourable members have spoken about, with a maximum of 10 years imprisonment for intimidating a witness is incredibly important. There are examples that we have seen here in this state and also in other states and jurisdictions across the country. We as a Parliament must work hand in hand with Victoria Police to ensure that we are doing all that we can, and that is mentioned in the recommendations.

Through the bill police accountability is increased to ensure that protective assistance to witnesses is carried out in the manner agreed to by the police, and each case under the Witness Protection Act will be reviewed every two years. The operation of the act, as we have already heard, will be monitored by IBAC, while the responsibility of its implementation will remain the responsibility of the chief commissioner. Overall this bill will increase community confidence in the program by ultimately strengthening independent monitoring and public reporting.

The Andrews government is committed to keeping Victorians safe. If we look at the 2016–17 budget, we know that we have had a \$596 million public safety package, which included the recruitment and training of 406 new police and of course 52 new support personnel.

**Ms Thomas** — Fantastic.

**Mr J. BULL** — It is fantastic. This brings the total number of police funded by our government to 1152, a terrific achievement indeed. I take this opportunity to recognise and thank all of the hardworking police right across the state. Obviously it is an incredibly difficult job, and I think that the members of our police force deserve our highest of praise.

In the time I have remaining I also take this opportunity to congratulate the new Minister for Police on her appointment. She has steely resolve and an extremely hard work ethic, as we know. As the state's first-ever female Minister for Police, I have no doubt that she will perform extraordinarily well in the role that has been presented to her. I also want to acknowledge the former

Acting Minister for Police and all of the terrific work that he has done. I also want to take this opportunity to recognise the member for Williamstown for the hard work and dedication that he brought to the role as the Minister for Police.

**Mr Wynne** — A good man.

**Mr J. BULL** — He is a very good man. He will be a terrific Minister for Industry and Employment and Minister for Resources. In my view, and I am sure in the view of all of my colleagues, he has shown extraordinary leadership over these past few months. He has shown the true strength of his character. He may be listening, but I certainly want to put on the record my support for him. I think that all of us on this side of the house, and I hope all members of Parliament, look up to the minister for the way that he has conducted himself over the past few months.

This government has a proven record of protecting our state's most disadvantaged and vulnerable. We know that Victoria led the way in 1991 by passing Australia's first witness protection legislation. This bill provides an opportunity for Victoria to once again lead the way in witness protection. Today the Andrews government is ensuring that Victoria has the necessary legislative framework to counter the efforts of those who are prepared to employ violence and intimidation or to retaliate against offenders having to be held accountable for their criminal conduct. That is the thing we need to remember: these are people who have broken the law, and they will then choose to do everything they can to protect themselves from court proceedings. I think it is vital that we recognise that this afternoon.

As I have covered, the measures implemented in this bill will only add to the many achievements that I believe the Andrews Labor government is committed to in terms of freedom, honesty, integrity and justice across the state.

If I go back to where I started and consider all of the challenges and the fear that must be upon an individual who enters the witness protection program and the cases that have been highlighted this afternoon, I think that it is an extremely important bill to get right. I take this opportunity again to thank Frank Vincent for his very hard work. His eight recommendations will play a very important role in ensuring that our witness protection program here in Victoria is the best it can be today and that going forward we continue to make it an even better program as we constantly review it. I commend the bill to the house.

**Ms COUZENS** (Geelong) — I rise to speak on the Witness Protection Amendment Bill 2016. This is about keeping people safe. It is about the Andrews Labor government's commitment to law and order. I would also like to join with the member for Sunbury in acknowledging the previous Minister for Police and the amazing job that he did and also in congratulating the member for Bellarine, who is now the Minister for Police. They are both great ministers, and I look forward to working with them over the coming months.

This bill will amend the Witness Protection Act 1991 to insert a central objective of witness protection and establish principles to which specified persons must have regard when making decisions or taking action under the act; extend the scope of the act to include, via alternative protection arrangements, witnesses facing a high level of risk due to their participation in or cooperation with the criminal justice system; establish a framework for independent monitoring of the operation of the act and limited public reporting of activity under the act, subject to the appropriate safeguards; revise the immunities under the act; and require Victoria Police to review protected witnesses' cases every two years. I think it is important to review those cases every two years because we need to make sure that we do not lose track of who we have in witness protection and their needs and that they are kept safe.

The bill will also insert a new offence into the Crimes Act 1958 to prohibit the intimidation of and reprisals against witnesses and other persons because of their known or believed involvement in a criminal investigation or criminal proceedings. The bill will implement the recommendations arising from the review by the Honourable Frank Vincent, which acquits outstanding recommendations to government from the Office of Police Integrity's publicly released *Review of the Victoria Police Witness Protection Program* of 2005.

Upholding the criminal law and maintaining civil order depends to a large extent on people's willingness to participate in and cooperate with the criminal justice system. The act allows Victoria Police to protect people and their families who are at risk because of such participation or cooperation. Protecting a witness and their family can remove a barrier to the witness coming forward to assist police and ultimately giving evidence in a criminal prosecution.

People do put themselves at risk when they are a witness, and we need to make sure that we do the right thing by them. It must be pretty frightening, I think, for people, having made that decision, to stand up in court as a witness and give evidence against somebody when

there may well be reprisals from that evidence. I think it is imperative that as a government we protect those people who put not only their own lives on the line but often those of their own families. They have to make a pretty significant decision if they going into witness protection because basically they are changing their lives.

Obviously witness protection must be conducted with a high degree of secrecy to ensure the safety of witnesses and their families. Yet it is also important to provide assurances to the public that witness protection is managed effectively and in the public interest. The bill balances operational security with public accountability and good governance to promote community confidence in witness protection activity. We want people, as I said, to feel safe and to feel confident. We need people to be witnesses on many occasions when there has been a crime committed, and we rely on those witnesses to give evidence and to get up and tell their story about what has happened. So we need to do the right thing by them but also by the community generally. People are not going to want to put themselves in that position at any point in time if they are aware that other people who have given evidence and may be in witness protection, including their family members, have actually been threatened or intimidated or harmed in some way. I think that is an important part of giving the community the confidence that it has been dealt with in the most appropriate way, particularly with the secrecy side of it.

The chief commissioner administers the Victorian witness protection program under the act, and the entry to the program must be by mutual agreement, with the chief commissioner and the witnesses entering into a memorandum of understanding (MOU), which includes details of measures required to appropriately mitigate the risks. The definition of 'witness' in the act is broad and may include family members, whistleblowers or other informants. As I said earlier, it must be difficult for people to make that decision, which puts not only their own lives at risk but also those of their family members and, in some cases, friends. It is important that we ensure that they understand what they are going into, and the bill is very clear about that.

Currently in deciding whether to include the witness in the Victorian witness protection program, the chief commissioner must have regard to a non-exclusive list of considerations, including the seriousness of the offence, the importance of the witness evidence, the witness's criminal history, a risk assessment, a medical or psychological examination and the availability of viable alternative methods to protect the witness. The chief commissioner, however, has a broad discretion on

whether or not to enter into an MOU and to decide what protection measures are provided. Under the bill the chief commissioner will retain this broad discretion. However, decision-making will be guided by a clear purpose and new witness protection principles introduced and monitored independently by the Public Interest Monitor.

A key measure in mitigating risk is the person's changed behaviour combined with relocation and re-identity. Some high-risk witnesses and their family members are either unsuitable or are unwilling to make the required behavioural changes to enter the Victorian witness protection program. At present any alternative arrangements provided to such people occurs outside the act. The bill will change this. The bill provides that a witness who has been considered for but is not included in the Victorian witness protection program and who is at high risk as a result of their cooperation with the criminal justice system may be provided with alternative protection arrangements, and that is a good thing.

It is a major change, as I said, for a person to take on these decisions not only for themselves but also for their family. These alternative arrangements are provided outside the Victorian witness protection program. Their inclusion in the bill, however, will ensure that the improved governance and accountability framework applies to this high-risk activity. Other measures in the act will also apply, such as the offence for disclosure of relevant information, exemption from Freedom of Information Act 1982 provisions for relevant documents and a presumption in favour of closed court hearings.

Specified people, including the chief commissioner, police officers, the Independent Broad-based Anti-corruption Commissioner and officials from the Victorian Registry of Births, Deaths and Marriages currently have an absolute immunity for conduct under the Witness Protection Act. The bill more appropriately targets this absolute immunity to key witness protection decisions and activities only. The bill strengthens independent monitoring and oversight of decisions and activities under the act by empowering the Public Interest Monitor to provide independent assurance that witness protection decisions are made consistent with the act and in the public interest and by empowering the Independent Broad-based Anti-corruption Commission to audit Victoria Police's compliance with record-keeping requirements for witness protection documents. To promote active case management, the bill requires a review of each case at least every two years.

Witnesses at lower risk of harm will continue to be considered as part of general operational policing. The Vincent review recommended that the bill introduce a new offence to make it crystal clear that witness intimidation will not be tolerated and that those who engage in it will incur the risk of a significant punitive response. The bill amends the Crimes Act 1958 to prohibit intimidation of and reprisals against witnesses and other people involved in criminal investigations and proceedings. This new offence will fill a gap between the summary offence of harassing a witness and the common-law offence of attempting to pervert the course of justice.

I have had the opportunity to speak to someone who has been in witness protection in the past. I know how difficult it was for them and their family and the life-changing decisions that they had to make, so I fully support this bill, and I commend the bill to the house.

**Ms THOMAS** (Macedon) — It is my pleasure to rise this afternoon to speak on the Witness Protection Amendment Bill 2016. Put simply, this bill will implement all eight of the recommendations made by the Honourable Frank Vincent, AO, QC, for legislative reform in his review of the Witness Protection Act 1991.

Put simply, the bill's reforms will create a new offence with a penalty of up to 10 years jail for intimidation towards or reprisals against witnesses or third parties because of a person's known or believed involvement in a criminal investigation or criminal proceeding. This will fill a gap in the criminal law between the existing offence of harassing a witness, which carries only a 1-year maximum penalty, and the common-law offence of attempting to pervert the course of justice, which carries a 25-year penalty. Consistent with the offence of attempting to pervert the course of justice, the new offence covers intimidation of witnesses, potential witnesses and other justice system participants, including judicial officers, prosecutors and jurors, and their loved ones and business interests where the requisite intent can be made out.

The bill also improves governance and administration of witness protection in Victoria. It will increase community confidence in witness protection by clarifying the purpose of witness protection and setting up witness protection principles that must be considered when certain people are making decisions or taking action under the act. It will establish independent oversight, and the Public Interest Monitor will have a real-time monitoring role in relation to important witness protection decisions to provide assurance that these decisions are made in accordance with the witness

protection principles and in the public interest, and IBAC will annually audit Victoria Police's compliance with record-keeping requirements under the act. Governance is also improved by requiring case reviews at least every two years and requiring appropriate public reporting of activity under the act.

Furthermore, the bill's reforms will extend the scope of the Witness Protection Act 1991 to include a broader range of high-risk witnesses who may be unwilling to enter or unsuitable for entry to the Victorian witness protection program but who are subsequently provided with alternative protection arrangements. The act's protections will apply in respect of these witnesses, including the new principal decision-making and robust governance arrangements, as well as FOI act exemptions and offences for exposing information that puts these witnesses at risk. Finally, the bill will remove the act's current broad immunity for police conduct to increase police accountability for delivering protective assistance they have agreed to provide. Consistent with the Vincent review's recommendations, existing immunities will continue for key decisions of the Chief Commissioner of Police to provide or not provide protective assistance and for Victorian Registry of Births, Deaths and Marriages staff to facilitate name changes ordered by the Supreme Court.

This is a very important piece of legislation before the house today. It is one that comes to the house with the support of Victoria Police, and of course it has been developed in close consultation with VicPol. I note that other key integrity and legal stakeholders have also been consulted throughout the development of the bill and that they are also supportive. These include IBAC, the office of the Public Interest Monitor, the Victorian Inspectorate, the Victorian Bar, the Law Institute of Victoria, Victoria Legal Aid, the Office of Public Prosecutions, the Chief Justice of the Supreme Court and the juries commissioner. So it is indeed a very well-supported bill, and I commend the minister for all the hard work that has gone into bringing this bill to the house today.

I did want to take this opportunity to talk to a little bit more broadly about this government's absolute commitment to keeping Victoria safe and ensuring that we do all that we can to maintain the finest police service in the country. This side of the house has always been and will always be committed to ensuring that Victoria Police has the resources that it needs, to be deployed by the chief commissioner as he or she sees fit in order to respond to crime in our community — to both work actively to prevent crime but also, when crime is committed, to ensure that offenders are apprehended and brought quickly to justice. It is for that

reason that I am so pleased that this government has made funding available for an additional 406 sworn police and 52 support personnel. That funding was made available so that those sworn police and support personnel can be recruited as quickly as possible and made available to be deployed by the chief commissioner to keep all Victorians safe.

This is a fantastic commitment by this government and one that has been very warmly welcomed by Victoria Police. I also note that it was the previous Labor government that indeed made one of the biggest injections we have ever seen of funding to Victoria Police when we announced in 2010 the additional funding that would ensure that we were able to deliver 1700 additional police. Opposition members like to claim that the opposition delivered an additional 1700 police. This is clearly wrong. One only has to look at the budget papers to note that those additional police resources were funded by the Labor government and that the funding for those additional police was provided in the forward estimates.

Indeed, as our Minister for Police has said, let us be clear: what did those on that side of the house deliver in their time? As my good friend the member for Niddrie likes to point out, they did have one initiative: they delivered six sniffer dogs. That was their contribution to crime fighting in this state. I want all members of this house to be clear that when it comes to keeping Victorians safe, when it comes to giving Victoria Police the resources it needs, there is only one side of politics that can be relied upon. There is only one side of politics that will put its money where its mouth is and give Victoria Police the resources it needs, and that is this side of the house. It is the Labor Party that will work to deliver the additional resources that Victoria Police deserves.

I also take this opportunity to congratulate the member for Bellarine, the new Minister for Police, on the fantastic job that she has already done in the very short time that she has been the Minister for Police. I also take the opportunity to mention one of the people that I like to follow on Twitter who is often quite a dry wit. He has had a little bit of attention given to some of his writings this week, and that is James Campbell. Apart from his very accurate assessment of the lack of talent of those on the other side, he also tweeted earlier this week, after we saw those on the other side think that they were going to have the minister quake in her boots, 'The Libs' questions are so feeble'. This is what he said in response to their questioning of the minister, 'The Libs' questions are so feeble — —

**Mr M. O'Brien** — On a point of order, Acting Speaker, I ask you to bring the member back to the bill.

**Ms THOMAS** — On the point of order, Acting Speaker, I would just like to note that I have 34 seconds remaining and that I have been speaking on the bill for the entire period.

**The ACTING SPEAKER (Ms Halfpenny)** — Order! I do not uphold the point of order. The member for Macedon, to continue.

**Ms THOMAS** — I was concluding what James Campbell had to say, 'The Libs' questions are so feeble, it is like they were written by the ALP to help prep the minister'. So that is the *Herald Sun's* assessment of those on the other side in thinking that they would be able to take on our fine police minister in this house this week. This is a fine bill. I commend the bill to the house.

**Debate adjourned on motion of Ms RICHARDSON (Minister for Women).**

**Debate adjourned until later this day.**

## STATE TAXATION AND OTHER ACTS AMENDMENT BILL 2016

*Second reading*

**Debate resumed from 3 May; motion of Mr PALLAS (Treasurer).**

**Mr M. O'BRIEN** (Malvern) — I am pleased to rise to speak on the State Taxation and Other Acts Amendment Bill 2016, another bill of broken promises by this Labor government. It is a Labor government led by a Premier who looked Victorians in the eye the night before the election when he was asked by Peter Mitchell of Channel 7 news in a live interview outside this chamber on the steps of Parliament House, 'Do you promise here tonight that if you are Premier you will not increase any taxes or charges or introduce any new taxes or charges', or words to that effect. The now Premier looked Victorians in the eye down the lens of that TV camera and said, with all the faux sincerity that he could muster — we know he is pretty good at mustering faux sincerity — 'I make that promise, Peter, to every single Victorian'. That was the promise: no new taxes and no increase in taxes. When we look at this bill we have to say this is another example of where this Premier simply does not tell the truth. He does not tell the truth.

Here is the *Herald Sun* from 27 April:

Property taxes up

Andrews ready to break election promise

Property buyers will be slugged an extra \$150 million in taxes by the Andrews government in a move experts fear will hurt Victoria's economy.

In an embarrassing leak, the *Herald Sun* can reveal Premier Daniel Andrews' plans to break an election promise by hiking up two taxes in next week's state budget.

...

By breaking the promise not to increase taxes, made before the 2014 state election, the government hopes to raise \$486 million over four years.

Just to show I am not being partisan to one media outlet, here is the *Age* from 27 April:

Stamp duty hike for foreign buyers blasted

Property experts have blasted the state government over its plan to hike stamp duty for foreign buyers, accusing it of discrimination and warning the move could undermine confidence in the local property market. Some even suggest buyers will shun Victoria in favour of Queensland and New South Wales — or overseas — when the tax is increased from 3 per cent to 7 per cent from July 1.

The measures, to be confirmed in Wednesday's state budget, have been described as ridiculous because it comes just 12 months after the original 3 per cent surcharge on the purchase price of a house.

To continue the bipartisan media love, here is the *Australian Financial Review*:

Pallas sidesteps tough tax decisions

Let me just stop at that point. This is a Treasurer who has had rivers of gold flooding into his budget. What has he done with them? Has he engaged in any tax reform? Absolutely not. Increasing taxes is this Treasurer's idea of tax reform. Dragging more money out of the pockets of Victorians is this Treasurer's idea of tax reform. Hitting Victorian businesses harder is this Treasurer's idea of tax reform.

Here is what the *Australian Financial Review* says:

... Victorian Treasurer Tim Pallas said the state's tax system didn't need big changes ...

Certainly his view of change is just taking more money. He is the highest taxing Treasurer in this state's history, in our history. In just the last two budgets he has seen state taxes — not total revenue but state taxes, taxes he is in direct control of — increase by over 20 per cent. I do not know how many people who might be reading this or taxpayers out there who go to work or small

business people who run a business would have seen their incomes go up by over 20 per cent in the past two years. I hazard that it would be very, very few. But this Treasurer does not care what ordinary wage earners have to go through; he does not care what small business people have to go through. He is happy to hit them with higher taxes, to take more money out of their pockets to fund his wasteful spending.

The *Australian Financial Review* article goes on:

The government plans to increase tax threefold on brown coal companies and increase the tax on stamp duty paid by foreign investors of residential property from 3 per cent to 7 per cent in an attempt to raise \$486 million over the next four years.

The stamp duty hike on foreign property buyers is discriminatory and goes in the opposite direction to that advocated by top academic tax economists.

Here is the *Herald Sun*'s editorial of 27 April. The headline of this editorial is 'All thanks to the taxpayer'. It starts:

Treasurer Tim Pallas boasts —

and 'boasts' is the right word, because this is a very boastful Treasurer, as we know —

that today's state budget will deliver the first of more than \$9 billion in surpluses over the next four years.

Let me just stop there and make the point that we left this Treasurer surpluses of over \$9 billion over four years. If you look at the pre-election budget update, you see that it shows that the budget had accumulated surpluses of over \$9 billion over four years. So you have a boastful Treasurer who is boasting that he has got what we gave him. He cannot do anything himself. All he can do is claim credit for the work of the former government.

The editorial goes on:

But remember, Mr Pallas, it's money Victorians are contributing through some of the heaviest state taxes in the nation.

The editorial goes on:

There is also reason to be concerned with an expected jump in tax on brown coal being passed on to Victorian households in spite of Mr Pallas warning coal companies not to pass on the increase in what he prefers to call royalties.

This smacks of the mining and carbon taxes introduced by previous federal Labor governments.

Let me stop at that point. Of course this is just like the mining and carbon taxes imposed by previous federal Labor governments — because we know Labor hates the Latrobe Valley, we know Labor hates our big

energy producers, we know Labor loves higher power prices and we know Labor hates jobs made by digging things out of the earth. It is not only that Labor is opposed to the mining industry, but when you increase power prices that simply hurts consumers and it simply hurts manufacturing industry. I will come back to that later on.

The editorial goes on — and this is I think a very important point that the *Herald Sun* editorial makes:

... Victorians are clearly overtaxed by a government committed to overspending.

That in a nutshell sums up this government: Victorians are overtaxed by a government that is committed to overspending.

Just to make sure our friends at the *Australian* do not feel left out by my quoting, I will quote from today's *Australian* article by Rick Wallace, an exclusive:

Pallas refuses to come clean on \$3.6bn blowout

Weeks after the Victorian government delivered its budget it has failed to explain how many extra public servants it will hire, despite a huge blowout in forecast employee expenses.

Treasurer Tim Pallas forecast a \$3.6 billion jump in employment costs in the public sector over the four years of the state budget announced on April 27.

Again, this is a budget which is built on the highest taxes that this state has ever had. It is a budget built on broken promises — broken promises not to increase taxes, broken promises not to introduce new taxes.

We can look at some of the very, very minor level of tax relief — if you can call it that — that is included in the budget and included in this bill before the house at the moment. We see that with the extra tax that Labor has taken in through breaking its promises, the extra tax that it has taken in through direct policy decisions — I am not even talking about just creaming off what is happening through the property boom; I am talking about deliberate decisions to increase taxes, to break those promises — there is far more revenue coming in through those broken promises than is being given back through the minor little snips to payroll tax.

I direct members of the house to budget paper 3, chapter 1, page 116, and the table headed 'Table 1.30: Revenue initiatives'. Members can see for themselves that the total effect of all the additional taxes versus the minor returns is that the budget is over \$610 million better off — in other words, there is \$610 million in net extra taxes, even after you take into account minor changes to payroll tax.

This is a budget of broken promises. It is a budget that confirms Tim Pallas as being the highest taxing Treasurer in this state's history — and by a long way, can I say. We have seen the proportion of state tax to gross state product (GSP) significantly increase under this Treasurer. The proportion of state tax to gross state product was down at about 4.8 per cent at the time of the election — which was where we left it — independently assessed by Treasury and Finance in the pre-election budget update. Now, under this government, under Tim Pallas, we have seen that increase considerably. In fact we can see that the level of state tax to GSP has actually increased to 5.4 per cent — so it has gone from 4.8 per cent under the former government to 5.4 per cent. This government is not just growing taxes; it is actually increasing the size of taxes compared to the rest of the economy.

This is not just the government being the beneficiary of a growing economy. This is actually increasing taxes as a proportion. This is typical Labor — expanding the size of government at the expense of families, at the expense of households, at the expense of businesses and at the expense of jobs.

Let us have a look at some of those broken promises on tax. The first one is Labor's new electricity tax. It is not increasing the royalties payable on lignite by maybe CPI or increasing them by 5 or 10 per cent — no, no. When this Treasurer goes to increase taxes he does not hold back; he is increasing them threefold. It is a threefold increase in tax on the fuel that powers 90 per cent of our state's electricity. Ninety per cent of the electricity in Victoria is powered by lignite. It is produced in the Latrobe Valley and is responsible for thousands of jobs in the Latrobe Valley, and this Treasurer is increasing the tax on it threefold.

The Treasurer makes claims of, 'Oh, we're bringing it into line with other states'. First of all, that is untrue. It is untrue. When you look at the valuation that is attributed to lignite — to brown coal — it is barely worth anything as a valuation. It is something like 10 to 15 cents a tonne. It is worth nothing. On that basis the tax now exceeds the value of the product, so this is not something that is comparable at all. And of course the great fraud in the Treasurer's claim that he is simply bringing Victoria into line with New South Wales and with Queensland is that in Victoria we do not export lignite. We do not export it! It is not a product that is sold overseas. The only use for lignite in Victoria is to produce electricity in our power stations.

By contrast, New South Wales and Queensland produce black coal, which is exported. So he is comparing the taxation on an export product sold for

significant profit versus lignite, which has in effect almost no value and is purely used to feed the power generators down in the Latrobe Valley. So this is a Treasurer who either does not understand the importance of lignite and how it is different from black coal or is just being dishonest about it.

Here is the response of the Minerals Council of Australia, Victorian Division, when it issued a press release, dated 26 April 2016, on this decision to have a threefold increase in lignite royalties:

The decision by the Andrews Labor government to triple the royalties paid by the Victorian brown coal industry is wrong, inconsistent and will leave electricity consumers in Victoria — and possibly other states — worse off with higher bills.

...

Linking royalties paid by Victorian coal companies to other states is short-sighted and fails to understand that Victorian coal is not an export commodity as it is in both NSW and Queensland.

Formerly I did have the honour of serving as the Minister for Energy and Resources, so I know a little bit about lignite. I will tell you one reason why we do not export lignite overseas: it has a tendency to spontaneously combust. It blows up by itself — a pretty good reason why you would not want to export it. I would not want to be driving the ship that had a cargo hold full of lignite sitting there, because I would not get too far out of the heads, I suspect. So there is a really good reason why we do not export our lignite from Victoria, but this Treasurer does not seem to get it.

Here is what the Minerals Council of Australia goes on to say:

There is no doubt —

no doubt —

that energy suppliers will be forced to increase costs to consumers in Victoria as a result of this decision.

**Mr R. Smith** interjected.

**Mr M. O'BRIEN** — As my colleague points out, it was confirmed to the Public Accounts and Estimates Committee that these costs will be passed on through higher electricity bills.

The Minerals Council of Australia goes on to say:

The expected increase in electricity costs will hit Victorian businesses hard, especially the manufacturing sector where uncertain economic conditions are already placing the industry under strain.

So here we have a government which is not only breaking a promise to Victorians by deliberately increasing threefold the taxes on the fuel that produces 90 per cent of our power but is deliberately targeting the manufacturing sector. A so-called Labor Party that pretends to care about jobs and pretends to care about manufacturing is now making a deliberate policy decision to make manufacturing that much harder in this state. What a disgrace, what an absolute disgrace!

Here is the response of the company Engie, which is the owner of the Hazelwood power station, which produces around about a quarter — maybe a little bit less today, but around about a quarter — of Victoria's power needs:

The Victorian government's decision to treble the level of coal royalties imposed on Latrobe Valley brown coal mines will inevitably have a detrimental impact on the region's energy sector, according to Engie, owner of the Hazelwood and Loy Yang B generating businesses.

'We were surprised and disappointed to hear of the government's decision late last week at the same time that the information appears to have been leaked to various media outlets', an Engie spokesperson said.

So the Treasurer is not only breaking a promise, tripling taxes and making it harder for businesses, he did not even have the courtesy or the courage to let the companies know first. No, no. This Treasurer briefed it off to the *Age* and did not even have the courtesy or the courage to speak to the companies directly affected first and let them know the hit that he had in store for them. They had to read it in the newspaper. Quote:

'It was extremely disappointing that there had been no consultation on such a major issue that has a material impact on our business.

'This announcement will mean a significant increase in our operating costs and comes at a time of very difficult energy market conditions. We understand that the threefold increase in royalties will equate to some \$20 million a year for Hazelwood.

The response goes on to say:

'... policies that continue to damage our business commercially will not help the community of the Latrobe Valley or the Victorian economy in the longer term'.

What condemnation from the industry! It confirms that the cost of this tripling of taxes on the fuel that powers 90 per cent of our electricity will be passed on to households and will be passed on to Victorian businesses.

The other significant broken promises on tax in this bill relate to the increasing of the surcharges introduced last year on certain property taxes. The government last

year introduced a 0.5 per cent surcharge on land tax for certain property purchases and a 3 per cent surcharge on stamp duty, again for certain property purchases — namely, overseas purchases of residential real estate when it comes to the stamp duty aspect. Well, there have been significant concerns raised about that. There has been a lot of consultation undertaken with the industry, and I have been advised that when you combine changes to this taxation of overseas buyers with the recent planning changes that have been wrought by the Minister for Planning on the CBD here in Melbourne, what are you going to get? You are going to get reduced supply and increased prices.

Here is a government that is talking about housing affordability, but it has introduced changes which will reduce supply and increase prices. If you wanted to design something to hurt housing affordability more, this would be exactly how you would go about doing it.

There are definitional changes. Not only are there significant tax increases contained in this bill but there also definitional changes which significantly expand the scope of these taxes. In fact, one of the changes contained in the bill in relation to the definitions of residential property has been branded a 'virtual "hotel investment tax"' by the Accommodation Association of Australia. It fears that this will kill off:

... new hotels, motels and serviced apartments —

which will cost jobs.

We have a Premier who likes to boast on BuzzFeed and engage in little Melbourne-Sydney rivalries talking about how we are open at night here in Melbourne, but he and his Treasurer combine to engage in tax increases which the hospitality industry says will actually kill off new hotels, motels and serviced apartments. How does that help our visitor economy?

This is a very retrograde bill in terms of jobs, in terms of tourism, in terms of investment, in terms of housing supply and in terms of housing affordability. This is a bill in which the Treasurer should take no pride whatsoever.

There are some other aspects. There are some which are not as bad. In fact there are almost some positive aspects. Given the generosity of spirit for which I am known, I will mention and touch on some of those briefly, before returning to my usual job. There are some aspects of the bill which the opposition does think are worthwhile.

Certainly the minor — and I emphasise 'minor' — tweaking to payroll tax thresholds is something that is

positive. They go up by only \$25 000 a year over four years, so the payroll tax threshold will increase from \$550 000 to \$575 000 on 1 July this year and by a further \$25 000 each year thereafter until 2019–20. I did mention before that the cost to the budget of those minor tweaks is in fact far less than the extra tax being taken in through the broken tax promises of the Treasurer contained in this bill.

There are also payroll tax exemptions contained in here for the employment of apprentices and trainees who have had their apprenticeships or traineeships discontinued — it may be that they had an apprenticeship in place, that their employer maybe went out of business and another employer needs to pick up the apprenticeship. The bill provides for relief for that apprentice's or trainee's wages in terms of exemption from payroll tax for the balance of that apprenticeship or traineeship. That is a worthwhile measure. What it does mean though is that it is actually cheaper for an employer to pick up an apprentice or trainee who has started somewhere else than it is to pick up a new trainee or apprentice from day one. It seems to be a bit of a perverse incentive that it is cheaper for an employer to pick up someone who has already started an apprenticeship or traineeship somewhere else than it is to take someone on from day one and keep them all the way through.

When you look at the amount of extra revenue this government is taking in, I make the point that we have seen an extra \$3.7 billion worth of state tax revenue. That is not including everything else, this is simply state tax revenue — \$3.7 billion extra between the election and 2016–17 in this budget. It is more than a 20 per cent increase. The level of tax reform and tax support for business is so minuscule it is almost embarrassing. We know that organisations such as the Victorian Chamber of Commerce and Industry have called for the payroll tax threshold to be increased significantly. They have called for it to be increased to \$850 000. This \$100 000 increase over four years is really a drop in the bucket by comparison.

There is a minor tweak to the concessions on the fixed component of the fire services property levy. Of course that reform was introduced by the former government, by my colleague the member for Rowville and myself, and it was a very positive change. We see that other states are following suit. New South Wales is going through that process at the moment. Previously under the old system people who paid an insurance premium did not get any concession even if they were a pensioner, a war veteran or any other worthy recipient. For the first time, under our reforms, people in that category did receive a \$50 concession. There is a slight

change in this bill to increase that level of concession — not the level of concession in terms of the amount, it is still \$50, but to expand those who are able to access it. Now it will include former prisoners of war — I understand there are about 90 such beneficiaries — and extreme disablement adjustment veterans, who are estimated to be about 1900. So there are approximately 2000 extra beneficiaries. It is very minor tweak and a very minor cost to the budget of about \$100 000 a year. But to that extent, we do welcome it.

There is a positive measure in relation to the land tax exemption for urban primary production land where primary production land is held, for example, in a family trust. There have been land tax issues previously with the structure of the Land Tax Act 2005. This is an issue which has been raised in this house. I think the member for Bass has been particularly active in raising this issue. I think the fact that this matter is dealt with in this bill is a great tribute to the advocacy of the member for Bass. He has only been in this place for a relatively short period of time, but even from opposition the member for Bass has succeeded in changing the law. He should take great credit for doing that. His background in accounting and finance has served him extremely well, and I hope that his constituents are appreciative of the great work that he has done to achieve this outcome. That is certainly a measure in the bill that we do support.

Beyond that, I have to say, the positive measures in the bill are pretty few and far between and difficult to find. One of the great concerns of course is that with the huge increase in property taxes contained in this bill, and also the increase in the scope of the businesses and the entities to which these new property tax surcharges apply, there is going to be a lot more pressure on the State Revenue Office (SRO) to deal with administering the new taxes. Because there is a much higher rate of tax that is payable, organisations that may believe they are entitled to an exemption will certainly be much more vigorous, I would have thought, in asking the question: am I entitled to an exemption? But while this government is taking in hundreds and hundreds of millions of dollars of extra revenue through these new taxes, how much extra money do you think the government has provided to the SRO to administer these changes?

**Mr Angus** — Good question.

**Mr M. O'BRIEN** — We asked this question at the bill briefing, I can tell the member for Forest Hill. The answer is zero. Doughnuts! Absolutely nothing. The government is happy to give the money to the SRO to

try to get more money in and to try to crack down on tax evasion — and fair play for that — but when it is increasing taxes and it is increasing the pressure on the SRO, it is outrageous that this government is refusing and failing to properly resource the State Revenue Office. It is bad enough that the government wants to gouge hundreds of millions of dollars out of businesses, but then it wants to make it even harder for the poor old SRO to help the poor old businesses which have to pay all the money. I have never before seen this government say no to employing new public servants in any other circumstance. Apparently the only two categories of public servants this government does not want to employ are SRO people and frontline police. They are the only ones it refuses to employ. Members opposite do not like frontline police and they do not like SRO people to actually try to help businesses at all.

This is a bill which this government should take absolutely no pride in whatsoever. It is a bill that is full of broken promises, that confirms that this government has become the highest taxing government in this state's history. We are very concerned about these new taxes — these broken promises — and the effect they are going to have. When you look at the electricity tax — the tripling of the royalties on lignite — it is a \$252 million tax slug on Victorian homes and Victorian businesses. They will pay for it.

The Treasurer talks about writing a letter to the Essential Services Commission. Well, the Essential Services Commission cannot decide what the power generators charge — it is a national electricity market. You would think the Treasurer might understand that. You would think that the Treasurer would realise that power prices are deregulated in this state. In fact that was done under the Brumby government, in which he was a minister. He can talk about writing a letter all he likes. We know that this is a \$252 million price increase for electricity paid for by Victorian households and Victorian businesses, hurting jobs in the Latrobe Valley, hurting jobs in the manufacturing sector and making it much tougher for ordinary Victorian households to make ends meet. This is a very bad bill in that regard.

We do not support many aspects of this bill. We know that the government will refuse to allow this bill to be taken to the consideration-in-detail stage. Government members have held off debate on this until the last minute of Thursday. They have stuck it in the guillotine so that as few members as possible get the chance to debate it, get the chance to actually expose this government's lies and hypocrisy, but we will have much more to say about this bill in the other place. We want Victorians to know we stand for jobs, we stand for

manufacturing, we stand for the Latrobe Valley, we stand for families and households, and we certainly do not stand for more Labor lies and more Labor broken promises on tax.

**Mr PEARSON** (Essendon) — I am delighted to join the debate on the State Taxation and Other Acts Amendment Bill 2016. The reality is this bill does give effect to those revenue changes announced in the state budget, and what a state budget it was! You could just imagine if Scott Morrison had delivered a budget like the one delivered by the state Treasurer only a few weeks ago. He would have just been beside himself with joy. But the reality is that he was not able to, because frankly the federal government has been failing when it comes to having a disciplined approach to managing finances.

The reality is that the hallmark of this government, as with the previous Labor government, is that if you have a disciplined approach and you have tight control over the budget, then you are able to master your destiny. You are able to turn around and basically do the things you want to do as a state — for example, the way in which the former Bracks government funded the synchrotron or how this government is proposing to fund the Melbourne Metro rail tunnel from the accumulated budget surpluses — as opposed to being just another mendicant state going cap in hand to Canberra every time it wants a macchiato rather than a cup of Nescafé.

The reality is that these are sensible measures. I did listen to the member for Malvern's contribution. It is kind of interesting, because in listening to the member for Malvern's contribution I noted that members on this side were condemned as a government by the member for Malvern because of the fact that we have delivered a budget surplus, because of the fact that we have a tight rein on the state's finances, but I am sure that if we had delivered a budget deficit, then — you would imagine — the member for Malvern would have been similarly outraged, though probably the outrage would be slightly higher. The reality is that by having a strong focus and a disciplined approach to public sector management, we can deliver these sorts of budget surpluses.

The other challenge we have got as a state of course is the fact that population growth is 1.7 per cent per annum. Now, when you have got that level of population growth, there is a need to provide essential public services to manage that. You need to build roads, you need to build hospitals, you need to build more schools — in fact there was not a new school opened this year because the former coalition government

failed to plan for it. It is a problem. You can only do these things if you have actually got the financial capacity and wherewithal to make those sorts of investments. That is the reality.

In his contribution the member for Malvern talked about the fact that this government is committed to overspending. Well, I wonder what school in this budget should not have been rebuilt. Should we not be going ahead with the Melbourne Metro rail tunnel? Should we not be employing the additional frontline police officers as indicated in the budget? Should we not be employing more nurses? When I hear those opposite saying we are being wasteful, I would respectfully say to them, 'Well, outline for me which line item in the budget papers you would propose to cut. Which nurses should be terminated? Which teachers should be terminated? Which capital works programs should be discontinued?'. The reality is that we have to have this level of public expenditure in order to underpin this level of population growth, which is driving most of the economic growth. You cannot put it any simpler than that. The reality is that the state government needs to be spending money. We need to be investing in this state.

If you look at the Baltic dry index, which is an economic measure looking at shipping freight costs in US dollars per day, you see that the Baltic dry index peaked just prior to the global financial crisis at about US\$11 000. The Baltic dry index is important because it is an inelastic measure of trade and economic demand. The interesting thing with the Baltic dry index is that it collapsed obviously after the global financial crisis but it bottomed out in January of this year at \$200. The measure of the Baltic dry index earlier this week was \$600. So to put that in context, in 2008 it was, I think, \$11 500 and on Monday it was \$600. The reality is that the global economy is weak. Whether we like it or not, it is weak. And the private sector is nervous, as the private sector often is in an election year, therefore the private sector has not been investing to the same level you would like or expect. It is appropriate, when you are faced with these sets of circumstances, that you have a state government whose members are prepared to roll up their sleeves and invest.

That is not to say that when the market is white hot the government should start bidding up the price of construction and gouge away the profits of the private sector — not at all. But when you have times of weakness and of economic uncertainty, the government taking clear and deliberated action to make these sorts of investments sends a powerful signal to the private sector that it can invest with confidence. The reality is

that with projects like the Melbourne Metro you are looking at significant investments over a lengthy period of time, year in, year out. You are not having peaks and troughs; it is a steady flow of investment.

If you look at the state capital building program, you see that the average expenditure under the former government was around about \$200 million a year. This year it is over \$1 billion, and across the forward estimates I think it averages out to be about \$700 million a year. So again it is providing a degree of comfort and certainty to the private sector to have some confidence. Similarly, I think if you look at the payroll tax measures and the fact that we will be scaling up the payroll tax threshold for business from \$550 000 to \$650 000, you realise that is going to make it more profitable for these smaller businesses.

The reality is that small business is overwhelmingly the engine room of the economy, and you need to try to have an appropriate level of regulation for the private sector but also for small businesses — and you want to try to get the balance right in making sure they have an appropriate level of taxation.

I was listening to the member for Malvern's contribution earlier. I think he was almost making a claim to be the poster boy for 21st century Reaganism with this notion of saying, 'Let's just have an adherence to supply-side economics. Let's reduce the taxation burden. Let's reduce government expenditure. Let's line the pockets of the top 1 per cent and from that economic growth will be a certainty'. The reality is that if you look at the legacy of Reagan's presidency — I am pretty sure from memory that the member for Malvern is a devotee of American politics, and I would suggest he was probably a bit of a fan of the Reagan presidency in the 1980s — you see that America went from being the greatest creditor nation under Carter to being the world's greatest debtor. The reality is that national debt had grown from \$997 billion to \$2.85 trillion by the time Reagan left office. That was a direct consequence of the approach espoused by the member for Malvern. That is exactly what happened.

If you turn around and basically say that as a government you do not have an interest in progressive taxation, if you have this blind ideological view that we must reduce the taxation burden regardless of the economic evidence, regardless of the fact that we have population growth, regardless of the fact that we are facing an increasingly inequitable society, regardless of the fact that we are looking at an anaemic global economy, and if you take that view to its logical conclusion, you will end up with an inequitable society and a budget that is in disrepair and is a mess.

The reality is that the demand for social services will not abate. You cannot turn around as a state and say, 'You know what? We are going to cut the health budget by 10 per cent, and we are going to make sure that out there in the community we reduce the number of operations by 10 per cent. We are going to make sure that the level of emergency presentations will drop by 10 per cent'. It does not work that way. It is the reverse. If you have got the population growing at 1.7 per cent per annum, the demand for state services will increase, not decrease, and if it increases we need to make sure that as a state we have the capacity to respond and to allocate the funds where they are needed at the time.

You can be immature about this. You can turn around and basically say, 'Look, we will just ignore reality, and if we get into trouble, we will ask the feds for money'. I can tell you: the feds are not coming to the party. If you look at what the federal government has done in recent times, you see it is trying to get out of funding essential state services. Unless we are responsible and we are determined, we will become another mendicant state. We will just be like South Australia or Tasmania or the Northern Territory, and we cannot allow that to happen. I would have thought that those opposite, particularly a former Treasurer, would have had the foresight to realise that that is exactly the environment we are walking into.

**An honourable member** interjected.

**Mr PEARSON** — He was a failed Treasurer. This is not a failed budget. I commend it to the house.

**Mr NORTHE** (Morwell) — I rise this afternoon to speak on the State Taxation and Other Acts Amendment Bill 2016. As the shadow Treasurer said in his opening remarks, unfortunately this bill contains a number of broken promises and commitments. I think it is incumbent on all of us, and I encourage the members opposite, to address the comments that were made by the Premier and indeed the Treasurer prior to the last election when they said there would be no new taxes, fees or charges and there would be no increase above CPI for fees, taxes and charges. However, this bill is replete with both, unfortunately.

I want to address a lot of my comments, not surprisingly, to the electricity tax that we see within the bill. Again, this is a broken promise. If you go back to the comments made by the Premier prior to the election, he said, 'We will not be increasing fees above CPI'. Yet what we have is a tripling of the brown coal royalties attributable to some of the major employers in the Latrobe Valley community. It is just staggering that 18 months after the comments made by the Premier we

see a budget handed down and a bill now being debated where those fees have tripled. I am happy for members opposite to reconcile those comments with the actualities of what is in the bill, but it is just an awful thing.

When you read some of the commentary at the time, you see that the *Australian Financial Review* on 6 April says:

However, even before the budget has been handed down, Mr Pallas has irritated the business community.

On Friday, he came under fire from the property industry for increasing the tax on stamp duty paid by foreign investors of residential property from 3 per cent to 7 per cent —

that is a little bit above CPI, I would have thought —

in an attempt to raise \$486 million over the next four years.

Over the Anzac Day weekend, Mr Pallas also announced a threefold tax increase for brown coal companies. The tripling of Victoria's brown coal royalty rate will start on 1 January and is expected to reap an extra \$252 million over four years.

What we see with that is the targeting of the Latrobe Valley's industry, its largest employers, for no benefit. As it is described by the shadow Treasurer the rationale for that is simply nonsensical. It is an attack on business and our largest employers. The article goes on to state:

The government claims power companies could 'easily absorb' the change and there was no reason for it to be passed on to consumers.

But Australian Industry Group Victorian director Tim Piper said the industry was 'bitterly disappointed' by the tax increase imposed on business, recognising that all costs have to be passed on. 'This has the potential to either increase electricity costs or affect ... jobs in the Latrobe Valley, and will undoubtedly cause problems for some businesses', Mr Piper said.

Absolutely right, Mr Piper, on both fronts, with additional costs to consumers but great concerns for jobs in the Latrobe Valley, and I will talk about that a little bit more shortly.

Going to the local newspapers, an edition of the *Latrobe Valley Express* on 28 April under the heading 'Coal royalty rate criticised' says:

The state government's decision to triple Victoria's coal royalty rate has drawn criticism from the Latrobe Valley power industry.

This was over the weekend when the government announced its intention to increase fees to \$252 million in extra revenue over the next four years. The article continues:

A spokesperson for Hazelwood power station and Loy Yang B owner Engie said the increase would inevitably have a 'detrimental in pact on the regions energy sector' and it had not been consulted on the decision.

After this all came out the minister said publicly that she had indeed consulted with the industry. Yet here we have the industry publicly saying, 'We haven't been consulted. This was a nasty surprise to receive at the last minute'.

The article also goes on to say — and this is from the Engie spokesperson:

However, this government's decision takes \$20 million a year straight out of the Hazelwood business.

This is a significant additional cost that has to be found at a time when we are already experiencing very difficult electricity market trading conditions.

Engie is a significant investor in Australia and Victoria and while we do understand the need for energy transformation, policies that continue to damage our business commercially will not help the community of the Latrobe Valley or the Victorian economy in the longer term.

That is pretty strong language I would have thought from Engie, which is one of three companies that have been targeted through this electricity tax. We saw today in question time the Minister for Energy, Environment and Climate Change answer some questions from the Greens with respect to Engie and comments that had been made by its CEO. What we have here is a whole range of mixed messages and uncertainty.

We have the minister standing here today saying, 'Nothing to see here. Don't worry. We're okay. We're not going to worry about the Latrobe Valley generators or operators. They'll continue on as they are'. But this bill we are talking about today is a \$252 million slug on them over the next four years. It is just hypocrisy at its best, I tell you. The same article says:

AGL Loy Yang general manager Steve Rieniets said the increase in royalties would add almost \$35 million in annual operating costs to the business.

'Increased costs of this magnitude could flow through to wholesale electricity prices and ultimately to customers', Mr Rieniets said.

Mr Rieniets, who is the AGL Loy Yang general manager, has stated publicly that this impost would indeed flow on the costs to consumers. Yet here we have the Treasurer and the minister and everybody in government saying, 'No, nothing to see here. This won't increase electricity prices'. I would believe Steve Rieniets, who has worked in the industry all his life, before listening to the Treasurer on this particular

matter — absolutely. And so it goes on and on with respect to massive concern from our local community.

As I mentioned, there is a lot of uncertainty and many mixed messages coming from the government about the energy industry and indeed with the change of cabinet. We have seen the Minister for Energy, Environment and Climate Change standing up here today answering questions. Where does the Minister for Resources fit in this equation when we are talking about the energy industry? Are they aligned or not? We are not really sure.

On the one hand, the minister has been standing up here today trying to provide some confidence to the generators in the Latrobe Valley. At the same time, not only is the government serving them a cost impost of \$252 million over the next four years, but it has also reviewed all coal-related projects where we might be able to use coal for other purposes. It is in review. There is nothing happening. So we have this situation at the moment where there is a lack of confidence in the business community with regard to coal in the future. The last word that you want when you are talking about business confidence is uncertainty, but they are the mixed messages that are coming out of this government.

We are concerned about the job impacts on the industry, given the bill that we are talking about today, and that has been reflected in comments by the sector and the industry. At the moment there are enterprise bargaining agreement (EBA) negotiations going on at AGL, for example. When you are hit with a \$35 million cost, surely that is going to have some impact upon employment and indeed upon those EBA negotiations.

It is staggering that at the same time that we have seen a hiatus for 18 months in the Latrobe Valley, the Latrobe Valley Industry and Infrastructure Fund, which was a program run by the coalition government — a \$15 million program to create employment, grow and expand businesses and diversify our economy — has been abolished by this government. So for 18 months we have not had a specific job fund in the Latrobe Valley. Even more concerning is the fact that the latest Australian Bureau of Statistics statistics show that there has been a loss of nearly 12 000 full-time jobs in the Latrobe-Gippsland region since November 2014.

Legislation like this where you are targeting specific industries and larger employers in a particular region with a \$252 million cost impost over four years is not going to help that situation one iota. That particular aspect of this bill is a disgrace. It is a major concern for not only me but also those who work in our

community, those who live in our community and those who are employed in our community, and it is high time that the government got on with the job of putting some specific programs in place to address some of the unemployment issues that we have within our community.

**Mr DIMOPOULOS** (Oakleigh) — It is a pleasure to speak on the State Taxation and Other Acts Amendment Bill 2016. It is a bill that includes very relevant and necessary revenue-raising measures but ones that do not affect the Victorian community in the sky-is-falling-down scenario we heard from the opposition.

As other speakers have said, this bill seeks to increase the foreign purchaser additional duty rate to 7 per cent, increase the land tax surcharge for absentee owners to 1.5 per cent, extend the land tax primary production land exemption to certain family superannuation trusts and increase the royalty rate for brown coal. But on the other side, in terms of tax relief it also seeks to increase the payroll tax threshold that businesses pay to \$650 000 over the next four financial years and introduce a new payroll tax exemption for wages paid or payable to re-employed apprentices and/or trainees. The bill also does some other things and makes some other minor amendments, but I will contain my remarks to those principal measures.

As the Treasurer said following the delivery of the budget, this is a responsible measure in an entire \$60 billion-odd budget appropriation that has gone down like no other budget in recent history in Victoria. We were applauded by not only the usual supporters of Labor budgets — working people and their families — but also by the business community and even the real estate community.

The reason for that is that these measures are sensible, they are appropriate and they are proportionate. The Secretary of the Department of Treasury and Finance said at a public briefing recently — and I do not want to put words in his mouth — something to the effect that the bigger driver for foreign investment in residential real estate is the value of the Australian dollar. So those who profess to know that this is going to stop real estate growth, real estate investment or property growth, I think, are just scaremongering. The devaluation of the Australian dollar in the recent past has had more to do with generating more interest in terms of foreign investment than a relatively small surcharge on foreign property buyers by the Victorian state government has, so I think that is proportionate.

The other thing I want to put on the record is that I endorse and absolutely agree with the Treasurer's comments in relation to the ethical imperative of absentee landlords to actually contribute something to the tax base of the Victorian economy. These people are absolutely welcome to invest in Victoria, but these absentee landlords also benefit from the tax paid by Victorians through the GST, payroll tax and a whole range of other avenues that they do not pay. So it is more than fair and appropriate that they contribute to the tax base of the economy and the state that brings them value through their property purchase and through increases in the value of that property because it happens to be situated in Victoria. Again that 1.5 per cent increase in the tax surcharge for absentee owners is very appropriate. Statistics indicate that Melbourne property prices have risen by 8 per cent during the last 12 months, and that was shortly after we introduced the initial surcharge in the last budget. It did not seem to have dampened any appetite in the investment market.

I am particularly proud of the tax relief for small business initiative. As someone who has run a small business — in hospitality, which I would argue is one of the hardest small businesses to run for a whole range of reasons, including tight margins — I know that any little break that a small business owner can get is very warmly welcomed, and that is interesting to highlight. The bill increases the payroll threshold to \$650 000 over a period of four years, which equates to \$25 000 a year, and this means that quite a few businesses, close to 3000, will pay no payroll tax and a whole bunch more will only enter the payroll tax threshold later. This is a really important initiative for jobs generation. It is an important initiative, particularly for a party and a government that cares about small business.

I am told that the last time the payroll tax threshold was altered was a decade ago, and that was during another Labor government. It is quite interesting in terms of the normal understanding of those who look after small businesses and those who do not. You just have to look at the last 10 years of Victorian history to see that Labor governments have made the biggest advances, not just with this payroll tax threshold reduction and the one under the previous Labor government but also with the reduction in red tape and the efforts of the Treasurer outlined at the Public Accounts and Estimates Committee hearing in relation to that.

It is not only this side of politics that endorses these measures. The National Australia Bank property survey, as others may have mentioned, tells us that non-residential buyers account for approximately 13 per cent of demand for Victoria's new property, a clear indication that they are equal competitors with

Victorians who want to be home owners, and that apartments accounted for 44.2 per cent of all foreign purchases in Victoria. The Real Estate Institute of Victoria indicates, as I said earlier, that median house prices in Melbourne have grown by 8 per cent over the past year, at the same time that our initial surcharge started to apply. There are also a whole range of other supporters.

I have not got the statement in front of me, but on the same day as the budget was released the Real Estate Institute of Victoria said that this was a sensible, good budget in relation to its stakeholders and also in relation to Victoria more generally. With the payroll tax changes, as I said, we are reducing the burden on business. We are the party of business. As I said earlier, close to 3000 businesses —

**Ms Staley** interjected.

**Mr DIMOPOULOS** — Yes, we are the party of business. The other side may claim that title, but we have people on our side who have actually run small businesses, and I can mention a number of them, apart from myself. There are a range of us: Minister Dalidakis in the other place, the member for Broadmeadows, and there are others who work very closely with business, such as the member for Essendon. Unfortunately the mantle of the party of business that the Liberal-Nationals coalition had no longer applies, and in fact probably has not applied for many, many years.

With the payroll threshold increase, 36 000 businesses in Victoria that pay payroll tax currently will see a reduction in their tax burden. Victorian businesses with payrolls between \$4.8 million and \$31.5 million will now have the lowest payroll tax burden in Australia. In the last minute and a half I have left I will say that the measure that probably gives me the most significant pride for a range of reasons is the one that increases the royalty rate on brown coal extractors. As the Treasurer keeps reminding those on the other side, this brings us into line with the New South Wales and Queensland governments.

That is one reason why it is an excellent move. The other reason is that coal is a finite resource that is owned collectively by the Victorian community. We are only custodians of that resource for the time being, and we need to extract fair value for that resource because we will be judged by future generations if we do not. Fair value is hard to measure with these things, but if the next two largest economies in the country charge a threshold similar to ours, then I think we are about right. So increasing the royalty rate is a very good

move. The power generators should mop up that excess cost within their existing budgets rather than pass it on to consumers, but if they were to pass it on to consumers, which would be an appalling move, I think the projections are that it would cost \$2 a year.

It gives me pleasure to support the State Taxation and Other Acts Amendment Bill 2016. I think it is an excellent bill and it builds on an outstanding budget from the Andrews government and the Treasurer of Victoria.

**Ms SANDELL** (Melbourne) — I rise to speak on the State Taxation and Other Acts Amendment Bill 2016. As other speakers have already mentioned, this bill does a number of things, but there are two main elements that I want to focus on today. The first is the increase to the brown coal royalties, and the second is the increase in stamp duty on properties bought by foreign owners.

I listened intently to the other speakers in the debate, and I have to say I found the arguments by the former Treasurer pretty laughable given his complete mismanagement of the Victorian economy during his term, in particular the irresponsibility that he showed towards the Victorian people and Victorian taxpayers when it came to the east–west toll road. He seems to have quoted the *Herald Sun* for about half of his speech. It seems like that is where he is getting his arguments from, maybe because the *Herald Sun* is a better opposition to this government than the actual opposition.

I would first like to deal with the brown coal royalties element of this. This budget increases the brown coal, or lignite, royalty rate starting on 1 January 2017. It is estimated this will raise \$72 million a year from 2017 to 2020. Of course increasing the cost of burning brown coal is absolutely welcomed by the Greens. I want to thank the government for taking this step, because for too long we have given away our brown coal resources for too cheap a price and we have let these big coal and fossil fuel companies get away with making an absolute mint at the expense of Victorians — Victorians do own these resources.

The member for Oakleigh talked about the reason we want to increase these royalties being because coal is a finite resource. Actually I do not believe that is why we need to increase royalties, because we could continue to burn brown coal for many, many years to come; we have a huge amount of it here in Victoria. The reason that we cannot continue to burn it is not that it is going to run out but that we are facing catastrophic climate change and dangerous global warming that will affect

all of us, in particular Victoria, which is such a dry state and so vulnerable to changes in weather patterns. It will affect our economy, it will affect our environment, it will affect our very way of life.

I think that is what is missing from this debate — someone actually standing up and saying, ‘Why on earth do we want to even stop burning brown coal?’. It is because we are facing this catastrophic problem and we need to sometimes step back from the argy-bargy of the debate in Parliament and talk about why on earth we are here in the first place, which is to protect Victorians from threats like this. Climate change is the biggest threat that we are facing.

**Mr Hibbins** interjected.

**Ms SANDELL** — We absolutely need to keep coal in the ground, as the member for Prahran is saying. We are very glad that we are seeing coal companies pay a fairer price. It can be measured against what they pay in other states, particularly given the damage that coal burning causes, not just to climate change, as I mentioned, but also to people’s health. We saw that through the Hazelwood mine fire, which was catastrophic for local communities. In fact we would have liked to see the price of these royalties increase even more, as experts are calling for. We are disappointed that the government has not taken the step to increase them even more to cover the health and climate change damage that coal companies cause.

However, I do want to point out something that has not been mentioned. There is a consequence of raising these royalties that has not really been covered very well either in the media or in the parliamentary debate. The budget shows that these royalties are going to total \$72 million a year out to 2020, so on the one hand the government is saying it is collecting \$72 million a year from royalties out to 2020. On the other hand the government is saying it wants to increase renewable energy and tackle climate change.

Let us have a think about that. Those two things are a bit at odds with each other. The budget is saying that the government wants to collect the same amount of money from brown coal royalties every year and indicates it expects the same amount of brown coal to be burnt every year in Victoria until 2020. So there is no forecast for a reduction in the royalties, which in turn must mean that the government is not expecting a reduction in the burning of brown coal at all. Is Labor saying through this budget that it is committing to burning the same amount of brown coal every year out to 2020 even though the impacts of climate change are getting worse and worse? That is the question that I am

putting to this government because it seems to be the case, unfortunately.

Victorians are already amongst the most greenhouse-polluting people per capita in the world. As we have heard, we are home to the dirtiest power station in the entire country in Hazelwood. With this increased royalty rate and the fact that the government does not expect it to decrease over time, I am concerned that all the government is doing is a quick cash grab while actually committing to business as usual when it comes to burning brown coal. In fact now the government is financially dependent and reliant on brown coal. This may serve as a disincentive to reduce brown coal mining in Victoria, just as revenue from pokies, for example, acts as a disincentive to get rid of these soul-destroying and life-destroying machines. Maybe the government might say that this is intended just to be for the short term, perhaps out to 2020. I have heard no argument really in favour of this so far. But if that would be its argument, then I would say that that is a bit of a cop-out, because if we are just leaving the problem of climate change and tackling the problem of burning brown coal for a future government to deal with post-2020, that is not leadership. It is not even responsible in this era of climate change.

Victoria relies on coal to generate over 90 per cent of our electricity. We are literally choosing the worst possible way of providing energy for our citizens. For the future of Victorians, for the future of humanity, we cannot stand by and let it continue. Anyone who does in any form is complicit in the consequences of climate change. So I would like to know from this government whether this budget announcement means it has any plans to phase out coal. I sincerely hope that it does have plans to phase out coal, but I have to say that after almost two years in this job I am fast losing hope. This budget just seems to indicate that the government is very happy to profit from the continued burning of coal into the future. I sincerely hope that is not the case, but I am worried that it is.

I will briefly move on to the second matter, and that is the increase in the foreign purchaser stamp duty from 3 per cent to 7 per cent and also the increase for absentee purchases from 0.5 per cent to 1.5 per cent. It seems to me that this is really just a judicious political move from the government — raising tax revenue from people who do not vote. It is something that I am sure is quite popular in the electorate and I imagine that is why the government has done it, rather than for any important economic reason. It certainly will not do anything, as far as we can tell, to address housing affordability.

We will take a closer look at this measure before the bill comes before the upper house, and we are really open to having a conversation with the government about this measure before it does come to the upper house, where the numbers are a little bit tighter. As has already been noted by many of my colleagues, in particular Mr Barber in the other place, stamp duty is not a particularly efficient tax and we are very, very open to discussions with this government about tax reform that is fair and efficient. Our door is always open to the government to have that discussion, and I look forward to it.

**Ms THOMAS** (Macedon) — It is my pleasure to rise today to speak on the State Taxation and Other Acts Amendment Bill 2016 because it does give me an opportunity to set the record straight on some of the economic indicators in Victoria at this point in time and maybe use some of that data and some of that story to contrast the economic state of Victoria now under the Andrews Labor government, so ably economically managed by our very fine Treasurer, with the incredible incompetence of the previous government. I want to do that because we are talking about a revenue bill, and I want to tell a bit of a story about what it is that this government seeks to achieve in bringing this bill to the house.

We see revenue raising as having a very clear purpose in the delivery of the types of services needed by the people in our communities, the people that we on this side of the house represent. These are people who are often doing it tough themselves and rely on first-class government services in order to enjoy the type of life that we want them to have and to ensure opportunity for their children.

I want to point to a few very key economic indicators that demonstrate how well the state is now travelling under the Premier and the economic stewardship of the Treasurer. We inherited an unemployment rate of 6.6 per cent; the current unemployment rate is 5.6 per cent — and that is what has been achieved in our short time in government. I might also point out that when the coalition government won office and came to power in 2010, unemployment under outgoing Premier Brumby was 4.9 per cent. What we saw was a blow-out in unemployment in the four years of the coalition government, and under this government we have been working assiduously every day to roll that back, because we understand that the best chance for any person in life is achieved through gainful and secure employment.

I am also delighted to report that jobs created under this government are in the order of 113 000. What a contrast

that is with the measly 95 900 created in the entire period of the previous government. I want to make the point that any move by this government to increase revenue is always done with real purpose and intent, and it is about increasing opportunity for people in Victoria and ensuring that economic benefits are distributed right across the state.

One of the aspects of this bill that has caused some consternation on the other side of the house is the increase in the foreign purchaser additional duty rate to 7 per cent, and the increase in the land tax surcharge for absentee owners to 1.5 per cent. These are measures that I applaud. I think that the Treasurer has been very sensible in bringing them to the house.

We all know that Melbourne is the world's most livable city. We also know — and I am delighted that the Minister for Tourism and Major Events is in the house — that Victoria has the best of everything, and we want to keep it that way and ensure that all of those who benefit from our livability and from the opportunity that this wonderful state presents pay their share. That is all we are asking for here; that is all that we are doing. We are ensuring that those who are making investments in this state and who are themselves benefiting from those investments make some small contribution to the services and amenity of this state. I think it is an excellent measure, and I commend the Treasurer for this bill and for bringing it to this place.

I will go back to my earlier point about revenue raising with purpose and intent. I will take up some of the points that are often raised by those on the other side about this government and its commitment to regional Victoria. I stand here very proudly as a Labor Party member and representative of the regional seat of Macedon, and I can tell you that in my electorate this budget, every element of it, was received with great applause. There are so many initiatives contained in this budget that will lift opportunity for people in Macedon, from the small businesses I regularly meet with to the parents whose children at Woodend Primary School are seeing a much overdue upgrade being delivered to their school.

Business owners in Daylesford have been crying out for some action and safety improvements at the East Street–Midland Highway intersection, which often experiences a diabolical mix of heavy trucks and tourist traffic. All of these things are being delivered by the 2016–17 Andrews Labor government budget. In this budget we have seen a record boost to health with \$1.6 billion. This was an amazing and a fantastic announcement. Of this, \$169 million is to redevelop the

Goulburn Valley Health Shepparton campus, including new wards and expansion of the emergency department. What an amazing initiative! I know that the extremely hardworking member for Shepparton was delighted that through her advocacy to a government that is prepared to listen and that works to seek out and understand what the needs of the community are and to build relationships with those members who seek to have constructive relationships with it, this is what can be achieved. That is a fantastic investment in health in regional Victoria.

I want to talk about where we are investing in education. I congratulate the parliamentary library for very helpfully putting together some excellent summaries of the coverage of our fantastic budget and also for detailing for us where we have been making investments in regional Victoria.

For the record, I want to let members know that \$151 million has been allocated for upgrading, modernising and regenerating the following schools in regional Victoria: Bacchus Marsh College, Ballarat Secondary College, Baringa School, Bellarine Secondary School, Belmont High School, Benalla P-12 College, Bendigo Senior Secondary College, Brauer College, Broadford Secondary College, Casterton Secondary College, Donald High School, Drouin Secondary College, the Echuca regeneration project, Grovedale College, Irymple Secondary College, Kalianna School Bendigo, Manifold Heights Primary School, Mansfield Secondary College, Matthew Flinders Girls Secondary College, Merbein P-10 College, Morwell Park Primary School, Mount Clear College, Nelson Park School, North Geelong Secondary College, Oberon High School, Ocean Grove Primary School, Portland Bay School, Portland Primary School, Portland Secondary College, Red Cliffs Secondary College, Rochester Secondary College, Rutherglen High School, Warracknabeal Secondary College, Warracknabeal Special Development School, Warragul Regional College, Warrnambool College, Whittington Primary School, Woodend Primary School — big cheer for Woodend — and Yarram Primary School.

My point is that we raise revenue for a reason. It is to deliver the services in education and health that the people of Victoria, in particular regional Victoria, so justly deserve. I commend the bill to the house.

**Mr MORRIS** (Mornington) — I can see why the government only wanted to have a couple of hours debate on this bill, because clearly its backbenchers do not have a clue what it is about. They seem to think it is about expenditure rather than taxes. One thing the Labor Party has never understood, and clearly it will

never learn, is you cannot tax your way into prosperity. In two years we have had virtually a 21 per cent increase in taxation. We have gone from \$17.9 billion in taxes to \$21.6 billion in taxes in just two years. You cannot tax your way into prosperity. This Labor government just does not have a clue. Clearly government members think they know how to spend taxpayers money better than taxpayers do; they think they know how to spend it more wisely.

There were plenty of opportunities with the enormous revenue growth that they have had. There were plenty of opportunities to provide genuine tax cuts and still keep up with the very healthy growth in population that we are experiencing and the less healthy but still positive growth in terms of the economy. This is a government that has a rapidly expanding tax base. Government members promised that they would not increase taxes. They broke that promise, and they are continuing to deny that they have broken that promise. As Victorian taxpayers know only too well, the now Premier gave a solemn promise to Peter Mitchell the night before the election that he would not raise taxes. He tries to claim that he is raising taxes on everyone but Victorians. The figures tell a different story: from \$17.9 billion in taxes to \$21.6 billion in taxes in just two years.

The Treasurer tried to run a line on budget day — he tried to run it before and he has tried to run it since — that he has got this wonderful economic credibility and these wonderful surpluses. Despite the fact that we have had massive growth in terms of revenue and because we have had massive growth in expenditure, the surpluses that he is projecting are still down on those that were projected by the coalition in the pre-election budget update. Clearly this Treasurer had only one aim when he set out to frame this budget. He had only thing right at the front of this mind, and that was how he could spend this windfall revenue — how he could make sure he spends the money and not give it back to the taxpayers.

I have got to say if that was his ambition, and it seems it was, then he has succeeded, because this is easily the biggest taxing budget in the history of the state. There are more taxes now being paid by Victorians than at any other time in the history of the state. As I mentioned, despite the fact that we have had growth in the state economy, the tax share of gross state product is rising. So Victorians are not only paying a lot more taxes in terms of dollars but they are paying more in terms of the size of the economy. The growth in taxes is much, much faster than the growth in the state economy.

Now there has been some conversation about measures with regard to stamp duty. By inference from successive Labor speakers, this is all about taxing those terrible foreigners. This is all about people who do not pay taxes, and according to the Labor Party, 'We're going to make sure that we get them to pay their fair share'. It is interesting, though, because that particular measure is going to raise \$374 million over four years. Stamp duty in 2014–15 was expected to be \$4.422 billion. In the financial year that finishes in about a month's time it will have been \$6.064 billion, so it is up 37 per cent. It is up \$1.6 billion in a very short period. If you take that \$374 million over four years and you deduct that from the \$1.6 billion, then you get \$1.2 billion. But of course the soak is much greater even than that, because it is a little less than \$100 million a year for each of the four years, which by my arithmetic suggests that Victorians themselves — not the foreign investors — are paying \$1.5 billion more in stamp duty this year than they did before. It is well over a 30 per cent increase in stamp duty in just two years, yet the Premier claims, 'No, Victorians aren't paying more taxes'.

Then we have land tax. Again these are measures to 'take on these foreign owners, these absentee owners, and we're going to triple the rate with effect from January 2017'. That measure raises \$112 million over four years if there is no diversion in investment. Of course we know from the Public Accounts and Estimates Committee hearings that the government has not done any modelling, or if it has, it will not admit to it. It has made no provision for diversion of investment. It does not seem to understand that if we in Victoria put extra taxes on property, investors will simply take their money elsewhere. If the Treasurer believes — I do not think for a moment that he does believe; he is simply pretending to believe — that these measures will have no effect, we really have got no hope for the state of Victoria.

In terms of land tax, you need to look more broadly at the total take. In 2014–15 it was \$1.75 billion. In 2016–17 it was \$2.225 billion — almost half a billion dollars extra in the coming year alone. The surcharge over four years averages \$28 million. Okay, it is coming in on 1 January, but it averages \$28 million over four years, so by my calculations about 6 per cent of that extra revenue is being paid by those terrible foreigners that the Premier wants to soak. The other \$450 million-plus is being paid by ordinary Victorians — again a direct broken promise.

On payroll tax, we heard the member for Oakleigh, that titan of small business, tell us just how wonderful the payroll tax cuts are. The threshold is currently

\$550 000. It goes up to \$650 000 by 1 July 2019 — a \$286 million cost over four years but \$119 million of that in 2019–20, so very much up the back end. Next year the tax take will be \$5.671 billion. By 2019–20 it will be up to \$6.5 billion, so by 2019–20 the government will be taking an extra \$1.4 billion a year, and it is going to give back \$119 million. Again, it is a very small contribution from its increased take.

Car registration fees are again up. I want to finish off to talk a little bit about Labor's electricity tax, because this is an absolutely disgraceful measure. We have heard the nonsense that this is simply bringing us into line with New South Wales and Queensland. We know New South Wales and Queensland export; we know Victoria does not. So who is it going to hit? If we look at advice from Morgan Stanley to its investors, it indicates that every household would on average be paying an extra \$25 a year as a result of this particular tax. This is a Premier who has admitted the increase; he could not fob it off and say, 'No, this is a tax on foreign investors'. He has admitted it is an increase, but it is an increase for every household. This is a government that did a wonderful job hiding the cost of the desalination plant in increased Melbourne water rates; it is trying to do the same thing taxing people on their electricity bills and pushing that cost into their electricity bills.

Worse than that, this is not a progressive tax; this is a flat tax. This is a tax on the people who are least able to afford it, many of whom, because they cannot afford to get gas connected, have to rely on electricity for their heating. They are going to get hit, and they are going to get hit hard. We have a series of tax increases over the forward estimates. By 2016–17, this coming financial year, we will be paying in this state an extra \$3.72 billion a year in taxes. The Premier, of course, as I mentioned earlier, told Peter Mitchell that there would be no extra taxes — \$3.72 billion a year! This is just an absolute disgrace.

**Ms WARD (Eltham)** — Lovely seeing you in the chair today, Acting Speaker Crisp. I rise happily to speak on this bill. This is a bill that actually does something quite constructive and useful. I know that it will affect many of our small businesses; in fact nearly 3000 small businesses will benefit from increasing their payroll tax thresholds to \$650 000. I find really interesting the criticisms we have had from the other side, and I really wonder how much time those opposite have actually spent thinking about this. I suspect it is very little. I also suspect that they are continuing to look into the looking glass and are not actually looking far and wide to see how the changes that this government is making are affecting people and the differences that they are making in people's lives.

I say that because I am surprised that the member for Mornington would talk about how this supposed tax that he has just come up with would affect the people least able to afford it. I would really like to know where the representation is from those opposite for a federal government that is doing exactly that and hurting absolutely those people who can least afford it. There are tax decreases that the federal government is giving to people earning over \$80 000 while doing absolutely nothing for people earning under \$80 000, and there are the increases to Medicare payments that will come into effect if this federal government is re-elected. That will hurt the people who can least afford it.

Those opposite make these mealy-mouthed comments about people who cannot afford it. I wish to God that they had actually done something in the four years that they were in government to help those people who could least afford it, because all they did was hurt people, which is why we see with this government we have a Victorian unemployment rate that is now 5.6 per cent, below the national rate of 5.7 per cent. It has gone down one percentage point since we came to government, and it is like that because we are doing things like creating legislation such as this that will help small business, help people invest in their communities and help people invest in jobs.

It is pretty outrageous that the shadow Treasurer is accusing the Labor Party of not supporting jobs or not caring about jobs. I found that just astonishing — the hubris that comes from that man! Nothing would surprise me, because he is a lot of hot air that does not actually come to much. In fact I suspect that that is probably a view shared by James Campbell. What the shadow Treasurer talked about in his contribution was how all these things were at the expense of Victorians. What was at the expense of Victorians was a useless, lazy government that we had for four years which did not do anything, which cut back on our TAFEs and which did not contribute in any meaningful way to the Victorian economy, which is not what this government is doing. This government is actively contributing to the Victorian economy. We are getting on with it, and we are getting it done. We are making things happen, and we are improving things.

Unemployment under the previous government peaked at nearly 7 per cent in July 2014. This is the record those opposite want to rest on. This is the record they want to defend — people out of work. What did those opposite do? They created 96 100 jobs over the entire course of their term. We are around 18 months in, and we have already created 113 500 jobs. We have created nearly double the jobs that the Liberals created in their four years in government. Absolutely hopeless! Do you

know why they were hopeless? Because they were not prepared to get in and do the work. They do not know how to roll up their sleeves and work, because they are not the party of workers, and they are not the party that consists of workers — we are. We are the workers on this side, and this is exactly what we are doing. We are getting down to work in Victoria. We are making things happen, and we are improving the lives of Victorians.

This payroll tax threshold increase will matter to people. It will help our small businesses, and we know when we help our small businesses we get growth. We have investments in community. We have a whole variety of things that come from the benefits of supporting small business.

I also want to talk about the increase to the foreign purchasers surcharge. I believe those opposite all talked about the sky falling in and that it would be the end of time if we did that. That in fact has not happened. Melbourne housing prices are still doing very well; they are rising up to around 8 per cent a year. The sky has not yet fallen in, and in fact it will not. There was \$26 billion invested in Victorian real estate. It has not changed a thing in that sense; it has not weakened our economy at all.

Again, the lack of work done by those opposite, the false prophecies that they came up with, do not bear fruit, and they do not form any sense of reality. In 2013–14 this investment was only \$14 billion. I think we can see quite clearly that the work the Labor government is doing, this fantastic Andrews government is doing, is actually making things happen in this state and is actually increasing productivity, increasing investment and increasing the wealth of the state. More people are in work, more projects are happening, more things are happening altogether, because we have a government that is actually working.

We are open for business, and we are creating jobs, because jobs are absolutely important to us and we care about them. We want to invest in our small businesses, we want to invest in our communities, we want to invest in our TAFEs, we want to invest in our schools and we want to invest in our hospitals, because we want to drive this economy. We want major projects to happen, we want major infrastructure to happen because we want to drive our economy. When our economy is strong, our people are strong.

We think this is a very good investment, and it is a great thing that Labor is doing — that we are actually spending the time to go through and create positive policies that will see real results. When we talk about the brown coal royalty rate, this is the first royalty rate

rise in over a decade. We are well below other states, and there is no reason why we should be below other states. Currently coal mining operations pay around 7.6 cents per gigajoule. The new rate from 1 January 2017 will be approximately 23.6 cents per gigajoule. This will generate \$252 million over the forward estimates. This is a considerable amount of money coming into this state, which will be able to be spent on things like schools, hospitals and TAFEs — the infrastructure that this state needs.

It needs a government that understands the importance of those things instead of a government that does not actually want to invest in anything, which is exactly what we saw with the previous government. We heard a lot of words and we saw a bit of flapping around, but we did not actually see any hard-core, real investment happening in this state. We certainly saw nothing in that four years like the investment we have seen in this state over the past 18 months. We have seen a great deal of work going on in this state, and we still have a great deal of work to do, which we will do. Keeping our state up to date with current costs is one of the reasons why we are able to do this.

We do not expect it to dramatically increase electricity bills. In fact we think it will be around \$2. It is a national market, and Victorian producers have to compete in a national market. They have to be competitive. After all, this was the great big new world that was supposed to happen with the privatisation of the energy industry. It was supposed to be a competitive market and that was supposed to drive prices down. By increasing it to 23.6 cents per gigajoule, there is not going to be a huge difference. I go back to my earlier comment when I started this speech, which is that to talk about those on the other side really caring about those who need it most, about the people in our community who need support and help, is absolute baloney. It is absolute baloney because they did not demonstrate in the four years that they were in government that they cared about those people.

The Liberal Party at a national level has certainly not demonstrated that those are the people it cares about. In the 18 months those opposite have been in opposition I am yet to see any evidence that they really care about those who need the assistance of this government the most. I have not seen them come up with any argument or any policies that would indicate that vulnerable people in this state are their concern. I have seen nothing. What I have seen is those members opposite being absolute apologists for the federal government and for the horrific slashing and burning that the federal government is doing in this country and in this state. I have not seen those members stand up for this state and

demand greater infrastructure investment, which we are currently dramatically under-receiving. I have not seen them demand a better outcome across the board for this state from that federal government. All they have done is to have been absolute apologists, and they have not shown that they do care about the people in this state or in fact that they are able to stand up for the people in this state, because they cannot. They sit there and they do very little. I commend this bill to the house.

**Mr SOUTHWICK** (Caulfield) — I rise to speak on the State Taxation and Other Acts Amendment Bill 2016. This bill should be called the State Taxation Grab 2016. I want to particularly refer to a couple of points, and firstly, to the property tax, and also the electricity tax. As we have the Minister for Energy, Environment and Climate Change at the table, I might start with the tax grab in electricity, which is going to cost Victorians dearly. The member for Eltham, in her contribution that we have just heard, said that this new tripling of a carbon tax is not going to cost consumers much at all, only a couple of dollars on their energy bill. That is quite interesting when we have had the minister and the Treasurer say that this tax will not cost any consumer one cent and that — —

**Ms D'Ambrosio** interjected.

**Mr SOUTHWICK** — Excuse me? That is exactly what the minister said, because what she said, and it was also referred to in the Public Accounts and Estimates Committee (PAEC) hearings, was that this particular tax would be absorbed by businesses. We have just seen that the government of the day has no idea about what the tax ramifications are of this bill, of the tax grab that we are seeing right here, and it certainly has no regard for energy users, no regard for consumers whatsoever. The minister is going out because the minister is being reshuffled out of resources, and her going out was to say to the consumers, 'Here is a couple of fingers to you. I do not frankly care. We are going to push up energy prices and you can deal with it'. That is what we are seeing — a 300 per cent increase in a tax, this electricity tax, which will be passed directly on to each and every Victorian, make no mistake.

We have heard the government of the day talking and saying, 'Well, you know with this royalty we have got here, it should go up because other states pay more. Other states pay more, New South Wales and Queensland pay more, so Victoria should be paying more of a tax on coal'. Again it shows the absolute arrogance and lack of knowledge of the government when it comes to our resources industry here in Victoria, because the brown coal that comes out of

Victoria gets used directly for producing energy, each and every bit of it. It is not like in Queensland and New South Wales where it is used for exports; here it is for local consumption. What that means is that it goes straight into electricity, and by pushing up the royalty that effectively goes straight into electricity prices — make no mistake.

The minister got up before PAEC and said that it is not going to cost consumers a great deal. We have had the likes of AGL in its report saying that in terms of connections it is a further at least \$25 every year for connections — not the \$1 or \$2 that the member for Eltham said, not zero dollars as the minister said, but at least \$25.

Who does this hurt the most? Not those that have got solar panels on their homes, not those that are able to invest in renewables — and we want more to invest in renewables. Who it is going to hurt more are the 60 000 energy customers already experiencing hardship — we have more than \$50 million in unpaid energy bills right now here in Victoria — and they are the ones who are going to cop it the most, because when the bill goes up they are the ones who have to pay the price, and that is on the minister's head. But do you know what? The minister does not have to care because she has just handed over the resources portfolio. She has moved into environment and climate change, and she still has the energy portfolio. The minister will produce many great initiatives and incentives to just further push up those prices and unfortunately it will be Victorians who will have to bear the costs every time.

Do you know the most disappointing thing of all? We asked the minister at PAEC about the \$252 million tax credit that will affect the Latrobe Valley and jobs in the Latrobe Valley. The minister is sitting in the chamber here, just ignoring me. At the end of the day she should be very much caring about what she is doing to all Victorians, but when the minister was asked at PAEC, 'This \$252 million, how much of that is going to go back to people in the valley that are going to be affected in terms of their jobs, in terms of the transition potentially into other industries? How much of that \$252 million? All of it, half of it?', the answer was zero. It will all go into the tax grab, all go into consolidated revenue — make no mistake. Members of this government do not care about anything at all except for propping up themselves and propping up their budget by using the tax grabs that we are seeing out of this particular budget.

The second thing that I want to refer to is this property tax grab. We have a state that is reliant on the construction industry. Around 10 per cent of people are

employed in jobs directly or indirectly through the construction industry. We have such an important industry as this, from primary production all the way through. Then we go out and say, 'What we're going to do is put the brakes on when it comes to the construction industry and we're going to ensure that we take away one of our biggest job-producing industries'. This government came in and said it was going to create 100 000 new jobs and then it goes and taxes the most rewarding industry, the industry that is actually giving the government the windfall it has got in taxes. Doing that just shows the absolute lack of understanding of economics 101 by this government.

We have seen that we have been a state of opportunity and we have been talked about as living in the most livable city. It is something that we all pride ourselves on. But we are seeing a lawless state under this new government's rule. Now we are starting to attack those very people that have got these jobs with one arm behind their back by taxing the very industry that produces these jobs. The government has been blessed with the taxes from the large property boom, much of which has been attributed to the significant overseas investment that in turn has created these infrastructure jobs. This additional tax-targeting grab, the likes of an increase from 3 per cent to 7 per cent directly targeting foreign investors, is another hit from this government, again affecting confidence in investing here in Victoria in the future. I am sure the premiers of New South Wales and Queensland would have thanked the Victorian Premier for the extra investment they will receive at the expense of Victoria.

It is the stupidity of the Labor government which will hurt the state's property market, jobs and the economy — the lack of consultation and lack of understanding about the industry and the ramifications of this foreign investor tax. That shows the two-faced nature of the Andrews government. The Premier opens the door to inward-bound trade missions, encouraging foreign investors to come here, paying for them to come here on these overseas trips to look at investing here in Victoria. Then he slaps a huge tax on them and says, 'Do you know what? You are not wanted'. He says, 'Come in on an inward-bound trade mission, have a look around, see what you can do in terms of investment, have a press conference. We're concerned about trade'. But when it comes to the very moment when we want their money, he says, 'No. Go back. We don't want you to invest here in Victoria'. It is absolutely self-interest and it is a lack of leadership from this government.

We have seen the Minister for Planning locking up Melbourne in his planning schemes, completely locking

out any future growth. Who does that affect the most? It is renters, the low-income earners that cannot get into property, that have to queue for property, young people. Once again, in its lack of vision the government is targeting young people, people who want to be property owners, who want to buy their first homes. Again, the government is saying, 'No, we won't do that. We'll lock up Melbourne. We'll make sure that we won't have any property investment'. We have already had pressure from the banks in terms of lending to foreign investors. This is another attack on foreign investors.

When my family and other immigrants came here to Victoria I am sure they were not targeted by the government saying, 'Do you know what? We're going to treat you differently than everybody else and we're going to give you this tax that other people don't have'. That is what this great state is meant to be based on. We stand up here and we talk about multiculturalism, we talk about inclusion, we talk about accepting all. But do you know what? When it comes to taxation, we will say, 'No. We'll take your money and we'll tax you as well'.

This has a huge economic impact. We stand here today and it will be very interesting to see in 12 to 18 months how many jobs are lost under this government, what the repercussions are of this sort of taxation, what lack of investment will happen, what it will do to construction, all the way through from quarrying the rocks and the sand, the cement, the electricians, the plumbers and other tradies, to those that are purchasing at the other end of the property market. This taxation policy is going to harm all Victorians. It is poor judgement by this government, a lack of vision, lack of leadership. All it is is another big, huge, fat tax grab.

**Ms BLANDTHORN** (Pascoe Vale) — I am pleased to speak this afternoon on the State Taxation and Other Acts Amendment Bill 2016. These amendments in the bill give effect to the state taxation measures announced in the recent state budget and there are minor amendments to support other improvements in Victoria's revenue laws.

As a result of sound economic management the Victorian economy is unquestionably thriving. We are in a strong economic position — indeed the strongest economic position in the nation — and personally I commend the Premier and Treasurer for their efforts in this regard. Victoria has maintained its AAA credit rating. This is a result of the Andrews Labor government's responsible economic management and sound fiscal policies. This is demonstrated in the \$2.9 billion operating surplus the Andrews Labor government has delivered for the 2016–17 financial

year. Surpluses average \$2.1 billion a year throughout the forward estimates.

Keeping the budget in surplus means that the Victorian economy is less vulnerable to the adverse effects of economic shocks. Further, maintaining a surplus means that the Andrews Labor government is not spending a large proportion of taxpayers money on servicing debt repayments. Instead this money can be spent more efficiently on delivering the services and infrastructure that Victoria's growing population requires, indeed needs, to secure its future prosperity.

One of the greatest myths in Australian politics, as I said yesterday in my speech on the budget, is the coalition parties' claim that they are the only parties that will deliver fiscal responsibility and sound economic management. As I also said yesterday in this place, this is a myth that needs to be dispelled, and the Andrews Labor government's 2016–17 budget and state taxation bills do exactly that. They show that Labor is the party of sound economic management.

Economic growth has risen to 2.5 per cent annually, and the Andrews Labor government is creating jobs at three times the rate achieved by the former government. Ongoing economic growth and productivity are obviously important for a number of reasons. They create ongoing and additional employment opportunities for Victoria, they create jobs and they create more jobs. Victoria's unemployment rate was 5.6 per cent in April and it is now below the national rate of 5.7 per cent. The unemployment rate is already down 1 percentage point since the government came into office in November 2014.

Under the previous government unemployment peaked at 6.9 per cent, in July 2014. Those opposite created only some 96 100 jobs over the entire course of their term, compared to the 113 500 already created under this government. The national unemployment rate is steady — in April — at 5.7 per cent, and seasonally adjusted, there were 3 006 300 people employed in Victoria in April 2016. Of these, there were 2 010 600 full-time jobs. There are 995 700 part-time employed. These are real jobs for real people. They are not from creative accounting.

Employment has increased by 113 500 jobs since this government came to office, and this is entirely consistent with the government's priority to grow jobs by over 100 000 in the first two years in office. Where people have jobs — jobs that pay fairly and have reasonable conditions — they have a higher standard of living. A job usually means that people have a better chance to put food on the table, they have a better

chance to put shelter over their head and over the heads of their family, they have a better chance at meeting increasing utility costs and they have a better chance to give their kids a chance — to give their kids an education and the other things that children need. But, importantly, when people have a job they also have the dignity of work. We know that a job gives people a sense of fulfilment and a sense of purpose.

Another benefit of economic growth is the inevitable increase in state revenue. Economic growth leads to increased state revenue. State revenue is what enables the government to invest in crucial pieces of infrastructure and deliver more and better services to Victoria's growing population — more and better services and infrastructure to our growing community in the suburbs that I represent as the member for Pascoe Vale.

As I said yesterday, a strong economy, with economic growth, including job growth, and inevitably increasing levels of revenue, is an essential part of a strong society. You cannot have a strong society without a strong economy, and you cannot have a strong economy without a strong society. They are not mutually exclusive.

Because of the economic position of this state, an economic position influenced by the prudent and disciplined leadership of our Treasurer, the recent state budget invests in the services and infrastructure that our growing state requires and that our growing community needs. The appropriation bills and the state taxation bills enable Labor to get on with the projects that our state is waiting on. They deliver on Labor's promises.

We are investing in hospitals, we are investing in roads, we are investing in transport, and — importantly — we are investing in our schools. Indeed this is Victoria's biggest education budget ever, with over \$1.1 billion dedicated to building, upgrading and maintaining schools across the state.

As we know, under the previous government — under the mess that was created under Premiers Baillieu and Napthine — schools were left to rot, and this is no more true than in the northern suburbs of Melbourne. Indeed Pascoe Vale South Primary School was a school that time forgot! But we are not just talking about making Victoria the education state; we are getting it done. Our economic position means that in Pascoe Vale we are rebuilding schools and improving roads and transport. We are rebuilding Pascoe Vale South Primary School; we are planning to rebuild Coburg North Primary School and Strathmore Secondary College; we are rebuilding Westbreen Primary School; and we have just

completed adding to Coburg High School with the completion of the junior school there.

There are two projects, which I did not get an opportunity to mention yesterday, which are also possible because of economic growth but which importantly will continue to drive economic growth, both across the state and in my community, and those are the noise walls on the Western Ring Road and the Melbourne Metro rail tunnel. The Andrews Labor government provided \$10 million for the construction of noise walls along the southern side of the M80 ring-road between Pascoe Vale Road and the Tullamarine Freeway in the 2015–16 state budget, and this expenditure continues and is possible because of the state of the budget and the economic prudence shown by the Treasurer.

A few weeks ago we were in Augustine Terrace in Glenroy talking to the local residents about how they want to see the noise walls rolled out and what they want them to look like. Importantly not only will the new noise walls be aesthetically pleasing to those residents, but there will be long stretches of noise walls which will protect whole communities across Glenroy and Gowanbrae. There should be a reduction of noise in residential areas, and quieter suburbs will mean people can enjoy their backyards and get a good night's sleep.

The budget also fully funded the Melbourne Metro rail tunnel, the biggest rail project in Australia. Melbourne Metro removes two of our busiest rail lines — Cranbourne-Pakenham and Sunbury — from the city loop, and the project gives the Cranbourne-Pakenham and Sunbury lines their own tunnel through the CBD. This will help free up space in the loop to run more trains in and out of the city, including on the Upfield and Craigieburn lines, both of which run through my district. Melbourne Metro will increase the capacity and reliability of train services in Melbourne's growing north, delivering more frequent train services to help meet the demands of our growing community. This is possible because of the economic growth that we see. Upon completion of Melbourne Metro, commuters on the Upfield line will enjoy more frequent and reliable services.

Whilst we cannot build the infrastructure that our state needs without a strong economy and we cannot build the infrastructure that our state needs without adequate revenues, it is important to note that the difference between Labor and Liberal is that we make revenue collection fairer. Despite the remarks of those opposite, it is important to note that, unlike those who are sitting on the opposite benches, when Labor makes changes to taxation laws it is motivated not only by the need for

revenue but also the need for services and infrastructure, and it is motivated not only by what is good for business but what is fair and reasonable for the others who pay taxation. Labor seeks to find the balance.

Those opposite claim to be the friends of business, but they are only really the friends of big business, and indeed sometimes that is questionable too because, whilst they might be the friends of those who make the profits from big business, they are not necessarily the friends of those working in big businesses.

**Mr Pesutto** interjected.

**Ms BLANDTHORN** — Well, I was coming to public holidays, for the member for Hawthorn, but if I can first mention the changes to the payroll tax which will obviously make things far fairer for smaller businesses. As the Treasurer said in his press release in relation to the payroll tax:

By reducing the payroll tax burden placed on Victorian businesses we're allowing them to expand, hire more staff, and boost jobs and investment.

By the time it is fully implemented, businesses with an annual payroll of between \$4.8 million and \$31.5 million will have the lowest payroll tax burden in the country —

and in so doing they will be able to afford to pay their employees properly and to pay their employees penalty rates. In conclusion, I commend this bill to the house.

**Mr D. O'BRIEN** (Gippsland South) — Acting Speaker Crisp, it is indeed a pleasure to see your smiling face in the chair this afternoon. I would like to begin on the State Taxation and Other Acts Amendment Bill 2016 by reiterating what others have said in the debate so far. Some of the good bits with respect to this bill, which the member for Malvern has outlined as well, are: the increase to the payroll tax threshold, which is certainly welcome, and small business will welcome it — it is a small increase, nonetheless, it is a step in the right direction; the change to extend the fire services property levy concession to a small number of veterans is certainly also welcome; and the clause dealing with the land tax exemption for urban primary production land is also good. The latter two in particular are minor. The major impacts of the bill highlight the massive increases in taxes that we are seeing under this Labor government.

Without going over it for too long, other parts of Labor's tax burden we have seen since Labor came to office are a 37 per cent increase in stamp duty revenue; a 10 per cent increase in payroll tax revenue — up to \$520 million; a 27.1 per cent increase in land tax

revenue; and car rego fees going up 10 per cent — that is another \$140 million. So overall state taxes have increased 20.7 per cent in just 18 months, just since the 2014 election — that is, from \$17.9 billion to \$21.6 billion. It is a dramatic figure, and it highlights that this government is very good at taxing and raking in the money. It also highlights the bizarre decision to triple the rate of the brown coal royalty.

There is no other explanation for this: it is either a grab for cash or a deliberate attempt to try to close down power stations in the Latrobe Valley. With a \$2.9 billion surplus and that increase in revenue that I have just outlined, it is just hard to fathom the decision that this government has made for a 300 per cent increase, tripling the coal royalty rate.

We have heard those opposite say, 'Oh, but there hasn't been a review for the last 10 years, and we have to get fair value for our resources'. I do not think anyone disagrees with that. We saw the bizarre spectacle in the Public Accounts and Estimates Committee hearings of ministers trying to explain to us what royalties are. We know what royalties are. You can call it a royalty, but it is still a tax at the end of the day.

We have heard of course the comparison that we are just bringing it into line with New South Wales and Queensland. As the member for Malvern and others have already pointed out, black coal in New South Wales and Queensland is exported so royalties on that resource up there is paid for by those countries that are importing our coal and those companies that are exporting our coal.

In Victoria brown coal is 100 per cent consumed here in our power system, so it means that an increase in the coal royalty rate simply hurts Victorian consumers and Victorian businesses and most particularly it hurts those businesses in the Latrobe Valley that have provided jobs and growth to the Latrobe Valley for many decades — that is, the power stations themselves.

We have heard the minister and we have heard the Treasurer over the last couple of weeks saying, 'Oh, it's a tiny amount. It's only \$250 million. They will be able to absorb it. They are highly profitable'. So it was a great surprise to anyone who might have believed that line to wake up this morning to the news that Engie, Hazelwood power station's owner, said in a senate hearing in France, 'Oh, well, in fact we are actually considering closing or selling the power station'. Well, hello. There's a big surprise! And yet the government is saying, 'It's fine. They'll just absorb it. They're rich and powerful. They've got heaps of money'. We hear that from the other side all the time. We have heard it

from the green movement and the Greens, who say, 'Big power and big energy should pay'.

The reality is that big companies and small companies cannot continually absorb additional costs. Before the budget we had the government increasing the cost of rehabilitation bonds. I am not opposing that for a moment, but it is an additional cost that was unplanned for by the power companies in the Latrobe Valley. Now we have this 300 per cent increase in the coal royalty rate.

I grew up in the valley. I am a Traralgon boy, like the member for Hawthorn. We know the valley well. I had two sisters who worked at the State Electricity Commission (SEC). I had school mates who went off and got apprenticeships at the SEC before it was privatised. And I might just say, before anyone jumps in, that it is always forgotten by the union movement and those opposite that in fact the privatisation of the SEC began with Joan Kirner, who privatised Loy Yang B. Let us just not forget that before people like the member for Essendon start railing about it. We have no issue with that; let us just remember it.

We basically had the Greens today, naturally, pretty much dancing on the jobs of Latrobe Valley workers. They have been campaigning for the closure of Hazelwood for some time. When they woke up this morning they had a big smile on their faces, because they just thought that this was the best news they could possibly hear — that Hazelwood might in fact close. So we have the Greens doing that.

Let us get serious about this and let us put it on the record because it is important. With Twitter, with a limit of 140 characters, you cannot have sensible debate, as some people would like to do. There will be a transition in the Latrobe Valley. There is no doubt about that. We will probably have brown coal phased out, but at Loy Yang A, AGL has said clearly that it is there until 2048. So we are not talking about tomorrow. I am not saying that we will just continue mining brown coal forever, although there is 500 years supply. As I said in my maiden speech, it would be foolish for any government or society to turn its back on a resource of that magnitude. Let us see what will happen.

What will replace those jobs, though? There about 3000 direct jobs in the Latrobe Valley just in the power stations and mines. There are many, many more thousands of jobs that rely on the power stations. The Greens say, 'Oh, renewable energy!'. Well, that is fantastic, but can someone tell me what the Latrobe Valley's competitive advantage is when it comes to renewable energy? What is the advantage that it has got

over Dandenong or Ballarat or Geelong or, heaven forbid, China, which can make the turbines and everything a hell of a lot cheaper than we can here. Latrobe Valley's competitive advantage over anywhere else in terms of jobs is brown coal. For this government to be whacking a 300 per cent tax increase on it just invites the operators of Hazelwood and others to think, 'Why would we bother staying here? We may as well go'. I will quote from the *Latrobe Valley Express* of 28 April. An Engie — the owner of Hazelwood — spokesman said:

... this government decision takes \$20 million a year straight out of the Hazelwood business.

That is a significant additional cost that has to be found at a time when we are already experiencing very difficult electricity market trading conditions.

Engie is a significant investor in Australia and Victoria and while we do understand the need for an energy transformation —

again, we all agree on that —

policies that continue to damage our business commercially will not help the community of the Latrobe Valley or the Victorian economy in the longer term.

So Labor stands condemned for this unnecessary and unprecedented 300 per cent tax increase on jobs in the Latrobe Valley, and it is condemned by its subtle nudge-nudge, wink-wink to the Greens. I saw the member for Melbourne in here today again asking questions about when it is going to be phased out. The member for Melbourne talks more about the electorate of Morwell than she does about her own electorate. She is here speaking all the time about it. And that is the big problem with the Greens. The big problem with members of the Greens is that everything they want to do is 'out there'. They want to shut down Hazelwood power station. They say, 'Well, that's all right. It's out there. It's not in Melbourne. It is not in our areas of Brunswick or North Fitzroy or Northcote or any of those areas. It is out there'.

It is the same with the timber industry. They say, 'Oh, we can shut down the timber industry, as we walk around on our polished floorboards in our 19th-century cottages. It's all right, we can shut that down, because it's all out there'. With respect to our mining jobs, whether it is Latrobe Valley or anywhere else, they say, 'They're out there so we don't need to worry about it'. Banning live exports? 'Oh, those cattle farmers up north. We don't care about them. They're way out there'. Free-range eggs? We had the Greens asking questions about the labelling of free-range eggs in here. They say, 'It doesn't matter what the costs are, because it's all out there. We don't need to worry about it'. And

of course there is water for irrigation. It is another one close to my heart. The Greens say, 'We've got to save the rivers, but bugger the irrigation communities and the people who actually rely on that irrigation water. We don't care. They're out there'.

I say it is time that one of those renewable energy companies that we all support propose a wind farm for Royal Park. Let us see then how members of the Greens respond to a wind farm in Royal Park, because they are far too focused on what is going on out there and they could not give a toss about jobs in the country, just like this Labor government is doing with its 300 per cent tax increase on royalties.

**Ms HALFPENNY** (Thomastown) — I also rise to speak in support of the State Taxation and Other Acts Amendment Bill 2016. Having been in the chamber for some time and having listened to some of the arguments on the other side about economics and all sorts of other things — I do have an economics degree — I have to say it is an absolute load of rubbish that has been spoken on the other side. I think it is really incredible that we are hearing the opposition really fighting hard for foreign investors but really not for sticking up for Victorians and for those people who actually vote and to whom we are responsible in this Parliament. I just find it an incredible argument.

When we talk about what is in this bill, we see that it is about increasing the number of duties for foreign purchasers of residential properties in Victoria. There is also a whole suite of amendments, whether they be consequential amendments or really good things such as reducing the threshold for payroll tax, which reduces the payroll tax burden for smaller companies and also allows employers to get exemptions from payroll tax if re-employing apprentices and trainees to encourage the next generation, our young people, into work and to have employers continue to support them.

Of course there are also some really important changes, again, that result; as new laws are introduced and they are implemented there are things that are picked up that have not quite worked properly. For example, the fire services property levy is being amended because it has been shown that in relation to certain gold card holders — certain of our veterans — while they are entitled to concessions on their rates, the way the fire services property levy legislation is worded it does not specifically talk about allowing those same concessions for the fire services property levy. So there are some really good changes in the bill.

I just want to go to the things that have been spoken about by most other speakers — that is, the increases in

the foreign purchasers duty and the land tax surcharge for foreign purchasers. If you had listened to the other side, you would have thought that the whole world was going to explode and everything was doom and gloom. But the fact is that these duties were introduced and applied from July last year. In relation to all the data, I will just make a few points in terms of some of the data we have. There are things such as the National Australia Bank survey data, which indicates that there is continued strong foreign demand for new dwellings in Victoria — and there has been since the surcharge was introduced. There are also various other indicators to show that the demand for residential dwellings in Victoria remains strong. Therefore I do not really know how those opposite could be saying that this somehow or other is going to do all these terrible things to us.

It seems that it is only fair and right that those who are not contributing in terms of income tax or making any other contributions apart from purchasing a property in Victoria ought to contribute to the amenity and to the facilities that we all need and know are much in demand at the moment. As population increases we need to put much more money into infrastructure, as this state Andrews Labor government is doing. It is very important that those foreign purchasers also take up some of the load and pay their share, because of course you would hope the properties they are buying will have people in them, and they will be using the public transport, hospitals, parks and other things government provides to make the places that we live good places to live and for us to continue to be able to afford to maintain our great ratings in terms of being one of the world's most livable cities.

I must admit that as I have listened to these speakers we have not heard anything about the payroll tax exemptions or the increases to the thresholds. There has been absolute silence on that. So I do not really know where they are coming from. Obviously if they are opposing this sort of legislation, they are opposing employers being encouraged to put on apprentices and trainees and having some incentives through the land tax.

**The DEPUTY SPEAKER** — Order! The time allocated for consideration of items on the government business program has expired, and I am required to interrupt business.

**Motion agreed to.**

**Read second time.**

*Third reading***Motion agreed to.****Read third time.****APPROPRIATION (2016–2017) BILL 2016***Second reading***Debate resumed from 25 May; motion of Mr PALLAS (Treasurer).****Motion agreed to.****Read second time.***Third reading***Motion agreed to.****Read third time.****APPROPRIATION (PARLIAMENT  
2016–2017) BILL 2016***Second reading***Debate resumed from 4 May; motion of Ms ALLAN (Minister for Public Transport).****Motion agreed to.****Read second time.***Third reading***Motion agreed to.****Read third time.****LIVESTOCK DISEASE CONTROL  
AMENDMENT BILL 2016***Second reading***Debate resumed from earlier this day; motion of Ms ALLAN (Minister for Public Transport).****Motion agreed to.****Read second time.***Third reading***Motion agreed to.****Read third time.****WITNESS PROTECTION AMENDMENT  
BILL 2016***Second reading***Debate resumed from earlier this day; motion of Ms HUTCHINS (Minister for Local Government).****Motion agreed to.****Read second time.***Third reading***Motion agreed to.****Read third time.****Business interrupted under sessional orders.****ADJOURNMENT****The DEPUTY SPEAKER** — Order! The question is:

That the house now adjourns.

**Bayswater scout hall**

**Ms VICTORIA** (Bayswater) — My adjournment request is to the Minister for Youth Affairs in another place. I ask that the minister visit a hall and see firsthand why funding is urgently needed. I say to the minister that the 1st Bayswater scout group desperately needs her help. Its hall, in Amber Street, is literally falling apart.

There are gaps in the brickwork large enough to insert an adult hand, and the fear of the back half of the hall crumbling is quite real. Some bricks have already fallen out. There is packing tape on the floors covering the holes so that the joeys and cubs do not get splinters when playing games at floor level. The uninsulated corrugated iron roof is leaking, the gutters are completely rusted through, the window surrounds are rotting away, the footings are disintegrating, the toilets are non-compliant and there are no facilities for those with a disability — and the hall entrance only fits a child-size wheelchair, not a standard adult one.

If that were not enough, there is no shower available, which is sometimes very important for the younger children; the gas heating is non-compliant; and the rodent infestation, mainly due to easy access via holes in the roof and walls, means the leaders have to sweep and wash the floors before each session to keep the children from becoming ill.

Potential scouting families walk away from this group when they see the state of the hall. The local community has groups that would like to use it but are scared with regard to safety and compliance. First talks about replacing the hall were held nearly 40 years ago. In 2014 the Liberal-Nationals government promised a new building, but since the change to the Labor government the funding has not been allocated. These children, and all the selfless parents and helpers who take on roles as leaders, should be able to play and learn in a safe environment. Scouts Victoria needs some help here, and I am turning to the minister. The state of disrepair is now so great that repair is not an option. I implore the minister to visit the hall to see these issues for herself and to provide the funding needed to replace our scout hall and turn it back into a community hub.

### **Macedon electorate small business**

**Ms THOMAS** (Macedon) — The adjournment matter I wish to raise is for the attention of the Minister for Small Business, Innovation and Trade in the other place. The action I seek is that he visit my electorate to meet with some of the dynamic and innovative small business owners from across the Macedon electorate. With around 4000 small businesses in the Shire of Macedon Ranges alone, my electorate is home to an incredible diversity of businesses that are making a substantial contribution to economic growth and job creation in the region. Across the retail, agricultural, professional and financial services, accommodation and food services sectors a survey completed by the shire council in 2013 highlighted that 80 per cent of our small businesses are employing an average of 2.4 workers each.

A few weeks ago I attended a Macedon Ranges Business Networking Group breakfast. This followed a recent presentation to the Macedon Ranges Accommodation Association on our Wander Victoria campaign. This is on top of regular visits I make to businesses, from the famous Istra Smallgoods to the historic RedBeard bakery and Rundell & Rundell, home of the Lost Trades Fair. There are so many fantastic stories to tell of innovation and opportunity.

However, I do need to highlight that the greatest impediment to growth identified time and time again by businesses in my community is access to high-speed internet. Businesses in my electorate have been sorely let down by the former communications minister, now Prime Minister, Malcolm Turnbull, who has failed to deliver the national broadband network, while many in my electorate still struggle to get decent mobile phone coverage. I call on the small business minister to visit

my electorate. There are many stories to share and opportunities for me to acquaint him with.

### **Dairy industry**

**Mr D. O'BRIEN** (Gippsland South) — My adjournment matter is for the Minister for Agriculture in the other place. I am seeking that the minister consider a number of new measures to support the dairy industry through the current price crisis. The particular measures that I would like to formally place on the record for the government to consider include a subsidy on council and water rates as was provided by the former Labor government during the millennium drought. In that case it was a 50 per cent subsidy, and I think that would be appropriate again this time. They also include more business planning support; additional rural financial counsellors; and kindergarten and childcare subsidies for families affected by this, which is an important one. Finally, I am asking the government to consider the provision of small capital grants for dairy farmers, with the particular aim of ensuring that service industries in dairy areas continue to have some work available to them as business tightens for the dairy sector.

I raised these issues with the minister on Monday during a briefing, but I must say the briefing was more one way than the other. There was a lot of information and talk coming at us but not a lot of opportunity for us to provide feedback. Nonetheless, I welcome the fact that the minister did organise that, and I am certainly supportive of the proposals that have been put forward so far by the government, such as they are, noting that the government continues to talk about an \$11.4 million package when in fact about two-thirds of that is industry money.

By the by, I note that the package includes up to \$1 million from Murray Goulburn. It would be my contention that it would be far better for Murray Goulburn to be putting that money back into dairy farmers' cheques and not putting it into some sort of recovery package, because it is Murray Goulburn and Fonterra, as a result of the global dairy downturn, that have caused this problem in the first place. As I said earlier today, those companies should be reviewing and changing their decision to implement this clawback. But until such time as that occurs, there is going to be significant damage caused in dairy communities such as mine in Gippsland South, where a number of my small towns — and even some of the bigger towns — rely quite substantially on the dairy industry. I ask the minister to consider the issue of local government concessions or subsidies, as I said, as was done during

the millennium drought, to ensure there is a better cash flow opportunity for our dairy farmers.

### **Niddrie electorate businesses**

**Mr CARROLL** (Niddrie) — My adjournment matter is for the Minister for Industry and Employment. The action I seek is that the minister join me on a tour around the thriving innovative industries in and around the Niddrie electorate, including Essendon Fields, Alba Cheese and Ferguson Plarre Bakehouses, so he can experience firsthand how these successful businesses operate.

Essendon Fields is a local hub for employment, innovation and high-quality commercial developments. It remains a vital aviation resource for Melbourne and regional Victoria, especially for police and emergency services. More than 5000 people are currently employed at Essendon Fields across a range of industries, with a further 13 000 jobs forecast to be created. I want the minister to see firsthand innovative businesses such as LaManna Direct, Linfox and New World Whisky Distillery, and additionally Australia's first Hyatt Place hotel and events centre. I know the member for Essendon is very proud of this development. The \$60 million eight-storey hotel will further drive economic activity in Melbourne's north-west, creating over 330 jobs during construction and another 70 jobs ongoing.

Victoria is Australia's largest producer and exporter of food and fibre. Only in March this year we launched the Future Industries Fund, with \$200 million committed for future industries to open and grow. Alba Cheese is a family-owned cheese factory in Tullamarine in my electorate; it has been a local establishment since 1982, when it was first opened. Alba Cheese's success is a result of the passion, hard work and entrepreneurial ability of Mario and Gaetano Bongiorno, who learnt the secrets of making fine Italian cheese as young teenagers from their father and decided to establish their own factory in Australia. Their business has grown dramatically since it first opened. From its humble beginnings with only a handful of employees in the 1980s, the factory has needed to be extended numerous times to accommodate the increased demand for Alba Cheese.

I invite the minister to join me in visiting this inspiring business and to experience some delicious Alba cheese. Only recently I got to visit and see firsthand what a success story this is. I thank John Bongiorno, the operations manager, as well as David Bongiorno and Lena Bongiorno. I also thank Ariel Mendoza, the

general manager, who I have been working with most recently.

Finally, I hope the minister can visit Ferguson Plarre Bakehouses, which is operated by a fifth generation family doing great work in the northern and western suburbs. Ferguson Plarre Bakehouses have always produced quality desserts, pies, and Tiddly Oggies. It is this consistent quality that has made the business so popular and successful. Despite having a history of more than 100 years, Ferguson Plarre Bakehouses is a forward-thinking and innovative business that emphasises sustainability in all its practices. Ferguson Plarre Bakehouses aims not just to reduce its own environmental footprint but also to create an awareness in the community about what can be done to improve the world we live in. I look forward to the minister coming out to my electorate to inspect all of these successful businesses at his earliest convenience.

### **Police resources**

**Ms ASHER** (Brighton) — The issue I have tonight is for the Minister for Police. The action I am seeking of her is to ensure that under her stewardship of the police portfolio youth gang violence is properly policed. To extrapolate that, I mean that she ensure that police are given adequate powers and resources to see that the perpetrators of violence and home invasions are brought to justice.

I want to refer to a letter from a constituent dated 23 April. I do not want to mention the constituent's name, given the violence of the situation involved. I have provided the minister with the letter from which I will quote. This is probably one of the most distressing emails I have received. It is from a victim of home invasion by a youth gang. The constituent advises me, and I quote:

At 3.00 a.m., this morning, our secure home was invaded by a group of six to seven youths, young males. I was awoken to find three males in my home. In an uncontrollable rage, I confronted them in my house and managed to get the three of them out of the house and back to the footpath outside my home.

He then explains there were another three or four other males outside his house. He goes on to say:

Numerous times, I was pelted with rocks from our rock garden which is also what they used to smash a floor-to-ceiling window to get in our front door.

One of the males had managed to get the keys out of our garage door that they then used to steal our luxury car.

He goes on to describe how this ordeal lasted 20 minutes, and fortunately the police arrived within

15 minutes after his wife had called. But he then goes on to describe something particularly alarming. Let me use his words, and I quote:

I was soon in shock to hear from a constable that, they are not allowed to chase the offender that was in our car.

... I could overhear the police radio that the car was still in the area as the driver was going around picking up his mates. The police told me they have been instructed that they can't chase them.

This is a problem for the Minister for Police to deal with, and again I acknowledge that when the minister was appointed she acknowledged that the gang violence was a real issue and she wanted to deal with that. This is a personal story of shocking proportions. My constituent goes on to say:

My family and I have been attacked in our home, our supposed safe place, and I am told that the police cannot do anything to chase down these criminals ... I am told that the police even saw my car driving around the streets of Brighton past police cars flaunting the fact they can't be stopped if chased.

Unsurprisingly, this family cannot sleep at night. This is just one story of a victim of this home violence, and they live in fear that these guys are going to come back. I urge the Minister for Police to act on my suggestion and make sure police have the resources and powers to deal with this.

### **Cranbourne justices of the peace**

**Ms GRALEY** (Narre Warren South) — My adjournment matter is for the Attorney-General and concerns the need for additional justices of the peace in the City of Casey. The action I seek is that the minister provide support and assistance to the Cranbourne signing station to recruit more justices of the peace. I have recently been contacted by the hardworking and dedicated team of justices of the peace at the Cranbourne signing station. Last year alone these outstanding justices of the peace witnessed over 20 000 documents, many of them from my constituents. This freed up police officers who would have otherwise been required to witness the documents. It is a vital service that so many within the community rely upon, including our already hardworking police officers. The less time police have to spend witnessing documents, the more time they can spend out in our community.

Unfortunately the Cranbourne signing station is struggling to keep up with the demand from our growing local community. Its justices of the peace are working overtime, taking on additional shifts and working much later to ensure they can provide this essential service. Many of those who are moving into

our local community, particularly in Narre Warren South and Cranbourne, are new to Australia. They often require certification of documents for recognition of academic qualifications, job applications and citizenship applications, as well as for passport and visa purposes.

My office is regularly contacted by those seeking assistance with the certification of documentation just like this. At a meeting of the justices of the peace who staff the Cranbourne police station, they agreed to a number of resolutions and wrote to me detailing their concerns. They requested that priority be given to the selection, training and appointment of members of our local community that have lodged expressions of interest to become honorary justices. Our local justices of the peace do an exceptional job for the local community and free up our police officers, yet they want to do more. They want to extend their opening hours to provide a more accessible service for local residents. I hope the Attorney-General can work with the wonderful team at the Cranbourne signing station to ensure they can continue and improve on their fine work.

### **Mansfield ambulance station**

**Ms McLEISH** (Eildon) — I have an adjournment matter tonight for the Minister for Ambulance Services. The action I seek is for the minister to release funding from the \$20 million allocated for ambulance station upgrades to fund a new station in Mansfield on a greenfield site. The ambulance station in Mansfield is outdated and outmoded. In recognising this, prior to the 2014 election the coalition promised \$1.8 million for a new ambulance station to be purpose-built on a new site in order to accommodate the existing 24-hour service as well as providing a new mobile intensive care ambulance (MICA) single-responder unit. We felt at the time, and I am sure the Deputy Speaker would agree with me, that the addition of a MICA unit would benefit the residents of Mansfield as well as neighbouring communities such as Mairdample, Bonnie Doon, Barjarg, Boorolite, Tolmie and Merrijig, to name a few, through the provision of specialist-trained paramedics.

The current station is a long way short of the stations built in recent times, particularly in terms of access, design and layout. I have no doubt that the station poses safety risks to paramedics, with reverse-in access for ambulances and their ageing facilities. The needs of the ambulance service have outgrown the site in Curia Street near the centre of the town. The Shire of Mansfield also understands the importance of this matter and wants certainty about a new location as soon

as possible so that it can lock in its plans for the future livability of Mansfield as it grows.

I would like to see our hardworking paramedics have the modern facilities they need and deserve, and I am sure the minister would agree with me here as well. I want to draw the minister's attention to the recent Public Accounts and Estimates Committee hearings where the member for Eltham questioned the Premier on the \$20 million ambulance station upgrade allocation. The Premier mentioned that there was money for new vehicles, equipment and the triage service, and I quote:

There is then money, as you say, for brand-new stations. Some of our stations are falling down; they are not fit for purpose.

That sounds like Mansfield. Not only are the buildings no longer fit for purpose but there is limited space for vehicles on the site. One only has to drive past to see that the vehicles, both ambulance and private, are parked as well as they can be but that they are really all over the place.

The Premier further mentioned that ambulance stations are needed in some growth corridors as well as in established communities; that again sounds again like Mansfield. I am heartened because he went to say 'sometimes it has to be a greenfield site and a brand-new station' and that 'there are further announcements to be made'. So I urge the minister to consider the needs of those in regional Victoria and in the town of Mansfield and surrounds and allocate some of this \$20 million for a station at a new site in Mansfield.

### **Thompsons Road duplication**

**Ms KILKENNY** (Carrum) — My adjournment matter is for the Minister for Roads and Road Safety, and the action I seek is for the minister to arrange a community information session so that VicRoads representatives can update my local community on the important upgrade and duplication works planned for Thompsons Road between EastLink in Carrum Downs and the South Gippsland Highway.

Local road users have long campaigned to see this duplication happen and they are very keen to hear from the experts about this project. The Andrews Labor government is fixing one of the most notorious and congested roads in Melbourne's south-east with \$175 million allocated to upgrade and duplicate Thompsons Road. My community and I look forward to attending an information session in the future.

### **Eastwood Primary School**

**Ms RYALL** (Ringwood) — My adjournment request is to the Minister for Education, and the action I seek is for him to provide Eastwood Primary School with \$50 000 so that the students may be able to have the benefit of appropriate evaporative cooling in their new school building. The former government committed \$7.3 million to rebuild Eastwood Primary School and we are now well through stage 2 of the school's rebuild. The completed stage 1 is fantastic.

As I understand the issue, the heating ductwork does not, from a size perspective, allow the evaporative cooling process to be backed onto it. It actually requires larger ductwork is my understanding. In order for that to happen there needs to be a change in the ductwork. This will mean that students can be warm in winter and they can have some evaporative air cooling — not refrigerated cooling — through the very hot summer months. That will give significant relief and significant comfort to the students during those really hot days.

Given that the \$50 000 is needed to ensure that the entire school is able to enjoy respite from the heat during those hot days, my request is that rather than pulling that money away from play equipment or from other student needs in the school, the money be provided by the Minister for Education from taxpayer funds so that the students can have that comfort. It is \$50 000, but it would mean an enormous amount to the school community if the students could learn in a comfortable environment. The school is not asking for a whole new system of cooling; it is just asking for a change in the current system which will make a huge difference to the comfort of the students through the summer months. It is a sensible request, and I am hoping that the Minister for Education will enable these students to have their needs met.

### **Yan Yean electorate ambulance services**

**Ms GREEN** (Yan Yean) — I rise to raise a matter for the attention of the Minister for Ambulance Services. The action I seek is support for capital improvements for ambulance services in my electorate, in both the growth corridors and the established areas. I note with great pride that there was a significant amount of money, \$140 million, allocated in the Victorian state budget to fix our ambulance system. Four years of crisis and neglect under the former coalition government has resulted in a situation where in my electorate you can get a pizza quicker than you can actually get an ambulance.

For four years the community of Wallan pleaded to have an ambulance service established in that community. It did actually get some funding, but there was no imperative to move on delivering that ambulance branch. I note the response times for that branch since it opened. In quarters three and four of 2014–15 only 20.4 per cent of ambulances responding to code 1 incidents were arriving within the benchmark, whereas in the first quarter of this financial year it was 73.1 per cent, in the second quarter it was 74.8 per cent and in the current quarter it is 79.1 per cent. The average response time is now down to 11 minutes, which just goes to show what happens when you invest and do the right thing rather than neglect ambulance services.

In particular the population of Mernda and Doreen, which is the size of Shepparton, badly needs its own ambulance branch. I know the Premier, who was previously a health minister, responded to the needs of the Whittlesea community when I tabled one of the largest petitions ever in this house, and in a timely manner an ambulance branch was provided in Whittlesea. In our previous term in government we provided an ambulance branch in Diamond Creek for the first time. However, things stalled over the last four years and now we see that response times in Nillumbik have actually declined. We need some action there. We need an expansion of services because Nillumbik is also being impacted by the growth in Mernda and Doreen.

I urge the minister to act and provide a fair share of the capital to make sure that we have an improvement in response times in the electorate of Yan Yean.

### **Responses**

**Ms ALLAN** (Minister for Public Transport) — Ten members raised matters for various ministers, and those will be referred to the ministers for their attention and action.

**The DEPUTY SPEAKER** — Order! The house is now adjourned.

**House adjourned 5.26 p.m. until Tuesday, 7 June.**

