

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Thursday, 16 November 2017

(Extract from book 15)

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The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

The ministry (from 16 October 2017)

Premier	The Hon. D. M. Andrews, MP
Deputy Premier, Minister for Education and Minister for Emergency Services	The Hon. J. A. Merlino, MP
Treasurer and Minister for Resources	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects	The Hon. J. Allan, MP
Minister for Industry and Employment	The Hon. B. A. Carroll, MP
Minister for Trade and Investment, Minister for Innovation and the Digital Economy, and Minister for Small Business	The Hon. P. Dalidakis, MLC
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
Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
Minister for Aboriginal Affairs, Minister for Industrial Relations, Minister for Women and Minister for the Prevention of Family Violence	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation, and Minister for Local Government	The Hon. M. Kairouz, MP
Minister for Families and Children, Minister for Early Childhood Education and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, 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 Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections	The Hon. G. A. Tierney, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Thomas, MP

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(to 15 October 2017)

Premier	The Hon. D. M. Andrews, MP
Deputy Premier, Minister for Education and Minister for Emergency Services	The Hon. J. A. Merlino, MP
Treasurer	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade	The Hon. P. Dalidakis, MLC
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
Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
Minister for Aboriginal Affairs, Minister for Industrial Relations, Minister for Women and Minister for the Prevention of Family Violence	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation and Minister for Local Government	The Hon. M. Kairouz, MP
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, MP
Minister for Industry and Employment, and Minister for Resources	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 Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections	The Hon. G. A. Tierney, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Thomas, MP

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(to 12 September 2017)

Premier	The Hon. D. M. Andrews, MP
Deputy Premier, Minister for Education and Minister for Emergency Services	The Hon. J. A. Merlino, MP
Treasurer	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade	The Hon. P. Dalidakis, MLC
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
Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
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 Consumer Affairs, Gaming and Liquor Regulation	The Hon. M. Kairouz, MP
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, MP
Minister for Industry and Employment, and Minister for Resources	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 (until 23 August 2017)	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections	The Hon. G. A. Tierney, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Thomas, MP

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

Speaker

The Hon. C. W. BROOKS (from 7 March 2017)

The Hon. TELMO LANGUILLER (to 25 February 2017)

Deputy Speaker

Ms J. MAREE EDWARDS (from 7 March 2017)

Mr D. A. NARDELLA (to 27 February 2017)

Acting Speakers

Ms Blandthorn, Mr Carbines, Ms Couzens, Mr Dimopoulos, Mr Edbrooke, Ms Graley,
Ms Kilkenny, Ms Knight, Mr McGuire, Mr Pearson, Mr Richardson, Ms Spence, Ms Suleyman,
Ms Thomson, Ms Ward and Ms Williams.

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 — Acting Clerk of the Legislative Assembly: Ms Bridget Noonan

Council — Acting Clerk of the Parliaments and Clerk of the Legislative Council: Mr A. Young

Parliamentary Services — Secretary: Mr P. Lochert

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

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn ²	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Naphthine, Dr Denis Vincent ³	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio ⁴	Melton	Ind
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma ¹	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John ⁵	Morwell	Ind
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David ⁶	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 ⁷	Northcote	ALP
Dixon, Mr Martin Francis	Nepean	LP	Riordan, Mr Richard ⁸	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 ⁹	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
McGuire, Mr Frank	Broadmeadows	ALP			

¹ Elected 31 October 2015

² Resigned 3 September 2015

³ Resigned 3 September 2015

⁴ ALP until 7 March 2017

⁵ Nats until 28 August 2017

⁶ Elected 14 March 2015

⁷ Died 23 August 2017

⁸ Elected 31 October 2015

⁹ 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 Carroll, Mr Clark, Ms Edwards, Mr Hibbins, Mr Hodggett, Ms Kairouz, Ms Ryan and Ms Sheed.

Legislative Assembly select committees

Penalty Rates and Fair Pay Select Committee — Ms Blandthorn, Mr J. Bull, Mr Clark, Mr Hibbins, Ms Ryall, Ms Suleyman and Ms Williams.

Joint committees

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

Dispute Resolution Committee — (*Assembly*): Ms Allan, Mr Clark, Ms Hutchins, Mr Merlino, Mr M. O’Brien, Mr Pakula 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, Ms Garrett and Ms Ryall. (*Council*): Mr Bourman, Mr Elasmarr and Mr Melhem.

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

Environment, Natural Resources and Regional Development Committee — (*Assembly*): Mr J. Bull, Ms Halfpenny, Mr Richardson and Mr Riordan. (*Council*): Mr O’Sullivan, Mr Ramsay and Mr Young.

Family and Community Development Committee — (*Assembly*): Ms Britnell, Ms Couzens, Mr Edbrooke, Ms Edwards and Ms McLeish. (*Council*): Dr Carling-Jenkins and 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 Gepp 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*): Ms Patten, Ms Pennicuik and Ms Shing.

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

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Thursday, 16 November 2017

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

Ms McLeish — On a point of order, Speaker, I seek your clarification and guidance about a matter that occurred yesterday during the debate on the Drugs, Poisons and Controlled Substances Amendment (Medically Supervised Injecting Centre) Bill 2017. The member for South Barwon, during that debate, was quoting from the *Geelong Advertiser*. At the time the member for Geelong took offence at those comments.

I seek clarification because previously a similar instance occurred when I was quoting a comment made directly to mainstream media by the member for Broadmeadows. At that time the member for Broadmeadows asked me to withdraw my comments because he was offended, and I was quoting directly from mainstream media. The Acting Speaker in the chair at the time was not following the debate — he was signing cards, signing letters, but was not following the debate — and I very reluctantly withdrew my remarks at that time.

A couple of weeks later we were having a training session with the then Clerk on the role of Acting Speaker and I raised this instance and the now former Clerk said, 'Look, they may not like the comments, but that is different from being offended by them if you are quoting them directly'. I understand that yesterday the member for South Barwon was quoting the *Geelong Advertiser* directly and was asked to withdraw those comments. I seek your guidance in this matter.

Mr Clark — On the point of order, Speaker, this is an important issue, and it is one that you may want to take on notice and provide a further ruling on once you have considered *Hansard*. I draw your attention to *Rulings from the Chair*, at page 63, under 'Requests to withdraw remarks' and 'Principles and examples', where it makes clear:

However, to guard against frivolous points of order, if the Chair is not satisfied that any reflections have taken place, they can refuse to uphold the point of order.

I think it is strongly arguable that that is the ruling which should have been made on this occasion. It is not of course permissible to quote another document, including from a newspaper, in order to make remarks that would be offensive if made directly by members themselves. But in this particular context, on my reading of *Hansard*, that was not the case. So I do support the submission that you give consideration to the matter and make a further ruling. Obviously on this

occasion the complaint went from one side of the house to the other, but it could easily go in the opposite direction on other occasions. I think it is desirable that all members have clear guidance in order to prevent the excessive use of taking offence at words where none could justifiably be taken.

Mr McGuire — On the point of order, Speaker, there is an issue of accuracy, balance, fairness and context that is being ignored in these propositions. This goes to my point that it is offensive, and the member in the chamber has the right to call it out as being offensive. You cannot come in and just make offensive statements that are inaccurate to members. This is a substantive issue that I call on the Speaker to address so that we have clarity on this. The precedent was set yesterday and was upheld.

Mr M. O'Brien — On the point of order, Speaker, I think you probably need to distinguish between a situation where a member has made a personal explanation on something in the media that has been incorrectly reported, and where that continues to be repeated by subsequent members, and a situation such as the one we have at the moment, where a member of this house is quoted in a newspaper. There has been no personal explanation made by the member to say that she was misquoted. A member of Parliament was simply quoting from a newspaper article in the course of debate. The fact that a member may not like it or feel uncomfortable about the fact these matters are being raised in debate should not be sufficient to make it offensive within the terms of the standing orders and require the comment to be withdrawn. Otherwise this will have a chilling effect on debate in this chamber.

Mr Katos — On the point of order, Speaker, I rise in support of the point of order, as I was participating in the debate yesterday. The quote was directly from an article in the *Geelong Advertiser*; it was a direct quote from that article. If the member for Geelong does not like the quote, then perhaps she can take that up with the *Geelong Advertiser*. But the ruling sets a dangerous precedent in this house. If we are directly quoting a newspaper article — and this quote was not impugning the member or casting aspersions upon the member — and we are told by the Chair that we are not allowed to quote the article, then any member of this house can just stand up and say, 'Well, I don't like that quote. I'm offended, and I ask you to withdraw'. Can you imagine the implications on debate in this chamber if that were to occur? So I ask you to review the decision by the Acting Speaker and report back to the house.

Mr Wakeling — On the point of order, Speaker, this is an important issue that needs to be looked at

because it actually arises from a point of order that the member for Geelong made and the comment that I made where I referred to the fact that she had called for a safe injecting room to be established in Geelong. I made reference to the *Geelong Advertiser*. She called a point of order saying that I was wrong and that those comments were not made. In a subsequent submission the member for South Barwon referred directly to the article and read into *Hansard* the member for Geelong's comments directly out of that newspaper. I think this is a very important issue, and I respectfully ask you to investigate it.

Ms Allan — On the point of order, Speaker, can I suggest that you have heard sufficient on the point of order. I seek that you —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the House has the call. The member for Bass!

Ms Allan — Speaker, can I suggest that you have heard a number of points of view from members of the opposition on this matter. I think you have already perhaps indicated that you are prepared to consider this matter and report back to the house. Given that a significant number of members have indicated that they want to speak on legislation that we have before the house and that the opposition has sought to take the bill that is in question on this point of order into consideration-in-detail this afternoon, the quicker we can get onto the legislative program, the quicker we will be able to deal with these legislative matters. The point of order has had sufficient ventilation —

Honourable members interjecting.

Ms Allan — Wow, you guys are classy. I seek that we hear nothing further on the point of order, because there has been a sufficient number of members ventilating their views, which are continuing along a very similar theme; there is no new material being presented in these points of order. I ask that you provide your ruling.

Ms Kealy — On the point of order, Speaker, I was in the chamber for a number of the interjections that the member for Geelong took yesterday. During those interjections and following the request that the member for South Barwon withdraw, I actually —

Honourable members interjecting.

The SPEAKER — Order! The members for Bass and Buninyong are warned.

Ms Kealy — Following the request that the member for South Barwon withdraw comments, I received a copy of the document that actually quoted the member for Geelong. I offered to make that document available to the house. That offer was declined by the Deputy Speaker. But I think an important part of all of this is that at no time has the member for Geelong had a retraction published in the *Geelong Advertiser*. Those comments have been stood by on the public record. There has not been an amendment to them, and I think that is a really important part of this debate. Those comments are still seen as being accurate comments within the broader publicised media.

I support this point of order, and I hope that you take into account the important precedent this sets in terms of quoting documents within the public arena, particularly for members of Parliament.

The SPEAKER — I am prepared to rule on the point of order. I will take the matter on board and report back to the house. I thank the member for Eildon for raising the point of order with me. The issue of people seeking withdrawal of comments they find offensive is an important one because the smooth running of the house relies upon people not misusing that approach but at the same time members must be able to avail themselves of it when they do find comments genuinely offensive. I also thank the member for South Barwon for raising the matter with me privately yesterday. I will report back to the house.

MAJOR EVENTS LEGISLATION AMENDMENT (TICKET SCALPING AND OTHER MATTERS) BILL 2017

Introduction and first reading

Mr EREN (Minister for Tourism and Major Events) — I move:

That I have leave to bring in a bill for an act to amend the Major Sporting Events Act 2009 in relation to ticket scalping, to repeal the Tourism Victoria Act 1992 and for other purposes.

Ms VICTORIA (Bayswater) — I ask the minister to give a brief explanation to the house, please.

Mr EREN (Minister for Tourism and Major Events) — The purpose of the bill is to amend the Major Sporting Events Act 2009 to expand the act to cover non-sporting major events, such as cultural events, including theatre events, concerts, gallery exhibitions and festivals, in relation to ticket scalping provisions and to empower the minister of the day, of course, to make a major event ticketing declaration,

which will apply new ticket scalping offences to both major sporting events and other major events that are declared by the Minister for Tourism and Major Events. Further, it will repeal the Tourism Victoria Act 1992, as there is no longer a need for the Tourism Victoria Act 1992 with the establishment of Visit Victoria.

Motion agreed to.

Read first time.

PARTNERSHIPS VICTORIA

Casey Hospital

Ms HENNESSY (Minister for Health), by leave, presented project summary.

Tabled.

COUNTY COURT OF VICTORIA

Report 2015–16

Mr PAKULA (Attorney-General) presented report by command of the Governor.

Tabled.

DOCUMENTS

Tabled by Acting Clerk:

Coroners Court of Victoria — Report 2016–17

Coronial Council of Victoria — Report 2016–17

Planning and Environment Act 1987 — Notice of approval of an amendment to the Frankston Planning Scheme — C117

Public Prosecutions, Office of — Report 2016–17

Statutory Rule under the *Taxation Administration Act 1997* — SR 111

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 111

Victoria's Mental Health Services — Report 2016–17.

BUSINESS OF THE HOUSE

Adjournment

Ms ALLAN (Minister for Public Transport) (09:47) — I move:

That the house, at its rising, adjourns until Tuesday, 28 November 2017.

Motion agreed to.

MEMBERS STATEMENTS

Bendigo Kangan Institute

Ms EDWARDS (Bendigo West) (09:47) — People living in Bendigo will have more access to the training and support they need to get a job thanks to a program reconnecting early school leavers and the long-term unemployed. I was really pleased to announce on Monday that the Bendigo Kangan Institute will receive \$1.1 million to deliver its Skills First Reconnect program to help create pathways to accredited training for 150 high-needs learners.

Bendigo Kangan Institute is one of 27 Learn Local organisations and TAFEs sharing in \$19.8 million to support almost 3000 Victorians. The Skills First Reconnect program will support participants at its three campuses, with outreach available to those unable to access these locations. It will provide early school leavers, parents returning to work and those with low literacy and numeracy skills with one-on-one support to address personal barriers to training and work. Participants will receive tailored support, including the development of a learning and achievement plan and one-on-one sessions with qualified case coordinators.

The Skills First Reconnect program is an extension of the Back to Work Reconnect grant program that was funded in 2016 by this government and established in response to a decline in the number of young early school leavers enrolling in vocational education and training. The Skills First Reconnect program will expand eligibility to support high-need learners aged between 17 and 64 years with low levels of prior educational attainment. Through Skills First Reconnect the Andrews Labor government is getting on with overhauling Victoria's training and TAFE system, guaranteeing funding to secure the future of TAFE and making sure Victorians have the right skills for the jobs of today and tomorrow.

Remembrance Day

Mr WAKELING (Ferntree Gully) (09:49) — It was a great pleasure to join with the member for Rowville and the federal member for Aston on the weekend to attend the Knox Remembrance Day service. It was well run as usual by Hurtle Lupton and his committee, and I pay tribute to the committee for their work and also to the many schools that participated in this very important local event.

Ferntree Gully electorate crime

Mr WAKELING — I met with many residents in the Harcrest estate in Wantirna South who are very concerned with the state of law and order, particularly in their new community. It is a great community. However, they are very concerned about a spate of robberies, carjackings and other antisocial behaviour that is occurring within their community. I am looking forward to working with those residents; they are working with Knox Council and working with local police. This is just another example of where, as they said to me, they feel let down by the judiciary, they feel let down by the justice system and they feel let down by the government in terms of not providing the adequate protections that they as residents need.

Ferntree Gully electorate school funding

Mr WAKELING — The latest round of school maintenance funding was hailed by this Labor government as being a boon. However, as we know, the people in Ferntree Gully and the students in my community have again been sorely let down by this government. Not one school has received one cent of funding, and that is typical of this government. If the government were more focused on education and on spelling, that would be good, given the fact that in their own release they cannot even spell ‘maintenance’.

Helping Hands Mission

Mr CARROLL (Minister for Industry and Employment) (09:50) — I want to rise and congratulate Helping Hands Mission — homegrown in my electorate of Airport West — who recently celebrated their 10th anniversary. Helping Hands is a not-for-profit organisation that runs seven opportunity shops across Melbourne and rural Victoria. It provides emergency support to victims of family violence and other individuals who face extreme circumstances, whether it be drought, bushfire, family violence or loss of income.

I was contacted last year by Maddy Kirby, communications manager for Helping Hands Mission, which now reaches across East Keilor, Roxburgh Park, Preston, Sunshine and Bridgewater on Loddon just outside Bendigo. Maddy asked, as a long-term supporter of Helping Hands, if I would contribute to a recipe book which was being prepared in celebration of their 10th birthday and as a local fundraiser. I gladly supplied a recipe for my homemade zucchini and haloumi fritters, which I believe made the final cut.

I want to make special mention of all the 200 volunteers across Helping Hands who make this charity thrive.

Without them there would be no opportunity for so many people in need. A special thanks to all who contributed to the recipe book and the local businesses that donated products for the VIP raffle night. A special mention goes to Melanie Kent, founder of Helping Hands Mission, who has created a wonderful organisation at the heart of helping others. Our community is better for having people like Melanie involved.

In addition to the op shops, Helping Hands feeds thousands of people each week through the emergency aid program, makes sure 1200 kids get the best start with a full tummy at the school-based breakfast program, delivers over \$10 000 in material aid to individuals and families in need, and provides training and employment pathways for work-for-the-dole participants for the long-term unemployed. Congratulations Mel, Maddy and the whole team.

Small-scale farm planning controls

Ms RYAN (Euroa) (09:52) — Small-scale pig and poultry farmers in my electorate are deeply concerned by Labor’s change to planning controls for Victoria’s animal industries. The government plans to subject low-risk, small-scale pastured pig and poultry farms to greater scrutiny and compliance costs.

The changes would see pastured producers with 500 chickens treated the same as an intensive producer with half a million birds in a shed. A pastured pig producer with more than eight sows would be subject to the same regulations as an intensive producer with 800 sows in a shed. An existing poultry farm would be able to open a new range for up to 150 000 birds without any of the restrictions placed on a farmer with 500 birds.

The changes will enforce a 100-metre buffer zone from neighbouring dwellings on pastured poultry farms with up to 450 birds and pig farms with up to eight sows, rendering small-scale farming on land less than 200 metres wide impossible. In my view this approach is heavy-handed, and it risks forcing small-scale farmers in my region out of business.

Ned Kelly

Ms RYAN — I am delighted that another Ned Kelly movie is on the cards. I strongly urge producers of the film to shoot the movie in Kelly country, where there is still a deep connection to the Kelly story.

The Euroa electorate covers much of the country roamed by the Kelly gang, including the Strathbogies, the bank at Euroa which was the scene of their infamous robbery, Hughes Creek at Avenel when Ned saved the young Shelton boy and where Red Kelly is

buried, to just to name a few. My great-great-great grandmother Mary Lloyd Tanner was Ned and Dan Kelly's first cousin; she and her husband William were Kelly sympathisers who harboured them when they were on the run.

Of course Peter Carey's novel is a deeply inaccurate account of the Kellys. It is a shame the film is not being based on *The Inner History of the Kelly Gang* by J. J. Kenneally.

Deepavali festival

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) (09:54) — Last week I attended the annual Deepavali festival hosted by the Mill Park Tamil seniors club. It was great to see Mill Park embrace this fantastic cultural event with people right across the community getting involved.

It was a very educational event also. We learned a lot about the different cultures of India and how they celebrate the day differently. The Deepavali festival differs from the Diwali festival. The south Indian community celebrate Deepavali that surrounds itself around the lore of a demon named Asura, while traditionally Diwali, celebrated by the northern Indian community, focuses on the lore of Lord Rama.

It was great to see so many community leaders in the Tamil community showcase their proud heritage to the rest of the local community. The senses truly came alive at this festival with amazing foods to be eaten and colourful cultural performances to be seen by young and old.

It is important to note that the broader Whittlesea community is very culturally diverse and we have fantastic engagement right across the cultures. We see many individual cultural festivities attended by many diverse communities who enjoy and share in the experiences to learn more about each other. I would like to thank Mr Soosairajah and Mr John Pathinathan and all of the Tamil seniors club for the invitation to attend the Deepavali Festival, and I thank them for including the Mill Park broader community in this culturally enriching experience.

Statements interrupted.

DISTINGUISHED VISITORS

The SPEAKER (09:55) — I wish to acknowledge the presence in the gallery of Australian Nobel Peace Prize winners — members of the ICAN network, the International Campaign to Abolish Nuclear Weapons.

MEMBERS STATEMENTS

Statements resumed.

Young Street, Frankston

Mr BURGESS (Hastings) (09:55) — This government is synonymous with congestion. From its treacherous decision to betray Victorians by spending much of what it was going to cost to build the east–west link and then cancelling it, right down to bungling street projects so public transport can no longer access them, this government is one failure after another. After 12 months of bungling and incompetence from the member for Frankston and the Premier, the community of Frankston was promised Young Street would finally be back to normal by the end of October, but of course it was not.

In keeping with the absolute shemozzle that projects under the Andrews Labor government inevitably become, the buses — one of the major users of this important street — do not fit. From start to finish the total incompetence of this government and its local member were on show for all to see. From setting up barriers weeks before construction was to begin — but well in time to ruin the vital Christmas trade for the Young Street traders — to delay after delay, which saw a project of 3 to 6 months finally end up being over 12 months for local businesses. Then the final insult was that vital public transport no longer fits down the street.

It is not as if these buses got fat overnight. The width of the buses was 255 centimetres before the project began and they were 255 centimetres when it ended. That is not a surprise. The roadway is 275 centimetres wide, leaving buses with just 10 centimetres on each side. VicRoads has had to employ a full-time traffic warden just to try and get the buses down the street.

It is ironic in the extreme that the member for Frankston should be the cause of so much destruction in this street but then try to ask the federal member to stand down.

Australian marriage law postal survey

Mr FOLEY (Minister for Equality) (09:57) — I rise to acknowledge the outstanding contribution that Victorians made to yesterday's marriage equality postal plebiscite. With well and truly the largest contribution to the yes vote of any state coming from Victoria, I was particularly pleased that my own local community returned 82 per cent support in the marriage equality plebiscite. In that regard we very much look forward, in a completely bipartisan fashion, I am sure, to Liberal Senator for Western Australia Dean Smith's bill

proceeding, as a matter of haste, through the Senate and then through the House of Representatives to allow those members of our communities who are in same-sex relationships or who identify as gender diverse to have the same rights, protections and opportunities as all other Australians, to not just marry but to express their love and commitment to one another in an appropriate 21st century way.

I want to thank all those LGBTI community organisations who led the community effort to return this resounding yes vote, and I want to thank, in particular, the Premier for his outstanding, strong leadership in making sure that Victoria is the equality state and that we build from this substantial achievement to make sure we remove all inequities against LGBTI communities.

Heathmont Baseball Club

Ms VICTORIA (Bayswater) (09:58) — As the number one ticketholder for the Heathmont Penguins, I am grinning from ear to ear. For the fifth time in the past six years the Penguins triumphed in the Melbourne Winter Baseball League division 1 season and won their eighth division 1 premiership flag overall. That means they have now won the most division 1 titles since the three winter leagues merged in 1984. To the players, coaches and all the others who made this dream come true — you are amazing.

Tinternvale Primary School

Ms VICTORIA — A sensational team effort was put in by everyone at Tinternvale Primary School last weekend for the Funtastic Fete. Rides, camels, Devonshire tea — which was so yummy! — lolly stalls, second-hand treasures and even a disco kept us all entertained. Congratulations to you all. It truly was fun-tastic!

Brigadoon

Ms VICTORIA — Yet again the Production Company has charmed audiences, this time with the professional debut of *Brigadoon* at the State Theatre. Brilliant performances by Rohan Browne, Genevieve Kingsford, Nancye Hayes and the whole cast, including Victorian College of the Arts graduate Caitlin Spears, had us all enthralled. Thanks to Jeanne Pratt, Ken Mackenzie-Forbes, Rachel Taylor and the amazing creative team who always make sure Melbourne has affordable, quality theatre to lighten our lives.

Bayswater Cricket Club

Ms VICTORIA — Bayswater Cricket Club always knows how to put on a good function, and last night was no exception. Ange and I loved hearing the stories of cricket legend Rodney Hogg and local lad and Aussie comedian Lawrence Mooney, who had the crowd eating out of the palm of his hand. Another great meal by Gary Overton topped it off. Thanks to Rohan Pollard, Brian Hilditch and Darryl Stranger, who is such a fun MC, for another fabulous night.

Remembrance Day

Ms NEVILLE (Minister for Police) (10:00) — On Saturday we again took time to commemorate the end of World War I and to remember those in our community who have made the ultimate sacrifice for us all during wars since World War I. On Remembrance Day I was once again pleased to lay a wreath at the Portarlington-St Leonards RSL service and was represented at the Barwon Heads and Ocean Grove service. We have many ceremonies right across the Bellarine. My congratulations go to all the RSL sub-branches that were involved.

Mannerim Memorial Indigenous Garden

Ms NEVILLE — Prior to the Portarlington Remembrance Day ceremony, I was proud to open the newly established Mannerim Memorial Indigenous Garden. The garden and memorial is on the site of the former memorial hall built in 1923 to commemorate those from that community who fell in World War I. The Bellarine Landcare Group has worked in close partnership with the site trustee, Gordon Dodson, Bellarine police and the wider community on establishing the memorial garden. In 2016 the Victorian government provided a grant of \$5000 towards the work, and this year \$8800 came from the council.

The official opening of the memorial garden commenced with the welcome to country and smoking ceremony led by Corrina Eccles. Police chaplain John Minotti blessed the site, and trooping in the flag were Lisa and George Coleman of the Creswick Light Horse Troop, who handed the flag to Colin Cairns of the Queenscliff-Point Lonsdale RSL. I want to thank in particular Jim Mason from the Landcare group, who is now a recently elected councillor, for the thousands of hours he put in and the local police that put in hundreds of volunteer hours, particularly Sergeant Grant Langmaid. Congratulations to all.

Lakes Entrance police station

Mr T. BULL (Gippsland East) (10:01) — I wish to draw to the attention of the Minister for Police, who I notice is in the chamber, the totally unsatisfactory situation in Lakes Entrance at the moment, where the doors of the police station have been open for just one day in the past six weeks. At this time of year, Minister, that is an absolute disgrace. Even when the big crowds arrived in town for the Melbourne Cup weekend, which many families that visit our area make into a long weekend, the police station did not open its doors once — not once — due to staffing levels. In fact it has not been open on any weekend, as we head into the summer period, in the past six weekends.

It is not good enough for the minister to say there is a van in town at certain times or that calls are being diverted to Bairnsdale. Lakes Entrance has a population of over 6000 permanent residents, and over 50 000 additional visitors come to Lakes Entrance over the summer period. The police station needs to be open. This is not just about safety, but about community service. For example, one holiday-maker wanted to report his wallet stolen and went back to the station four times to find it just not open. Now it is worse than it has ever been. It is not just about the January holidays anymore when we are understaffed; this is about getting the police station open every day of the week.

Remembrance Day

Ms HALFPENNY (Thomastown) (10:03) — I gathered with many others at the cenotaph at Epping RSL to remember those that have fallen in wars fighting for their country, fighting for Australia. As we know the 11th of the 11th is Remembrance Day, and it is commemorated with great attention and respect at the Epping RSL. I attended the commemoration along with many members of the community and members of the Epping RSL who have been involved in active service. Mr Glen Parker oversaw proceedings, and a number of poems were recited by members of the RSL, such as Ken. Also it was great to meet for the first time Mr Kevin Ind, the new president of the Epping RSL, and to also hear the last post by bugler Denis Hayman. It was also great to see members of the Mill Park air league, who raised the flag in commemoration of those who have fallen fighting for their country. After these proceedings the Epping RSL then put on a morning tea, which everyone was invited to attend to talk about stories of the RSL and those who had fought and fallen protecting people in Australia and our way of life.

School asbestos removal program

Ms HALFPENNY — On another note, I want to congratulate Lalor North Primary School and Thomastown East Primary School for receiving funding to remove asbestos.

Cr Jim Parke

Mr T. SMITH (Kew) (10:05) — I rise this morning to congratulate Jim Parke on his re-election as the mayor of Boroondara. Mr Parke was previously a mayor of Boroondara, and he was elected last week in a special ceremony at the Camberwell town hall. I would also like to pay tribute to the former mayor of Boroondara, Mr Phillip Healey. Cr Healey did an outstanding job in his time as mayor last year, and I want to put on record my thanks for his friendship and ongoing support and wish the new council the very best for next year.

North-east link

Mr T. SMITH — It pleases me that the Minister for Roads and Road Safety is in the chamber to hear this statement, because my residents are extremely concerned about the lack of consultation that is going on about the proposed north-east link, the number of options and indeed the route alignment of the link. They are constantly asking questions of his office and of this obscure authority that is simply incapable of answering the reasonable questions that my constituents have. I note the member for Box Hill is nodding as well that his constituents have similar issues. When will we know the answer to these important questions? Why will the minister continue to hide his preferred route alignment? It is unacceptable that my residents are still in the dark about this proposed project.

East-west link

Mr T. SMITH — In the time that I have remaining, I wish to condemn the Andrews Labor government again for the decision to tear up the east-west link contract and spend \$1.2 billion of taxpayers money not to build the most important infrastructure project in Melbourne as per recommendations from Infrastructure Australia.

Philip Chubb

Mr McGUIRE (Broadmeadows) (10:06) — Gold Walkley award-winning journalist and acclaimed author and academic Philip Anthony Chubb's life and times were commemorated yesterday in Melbourne. We met in this chamber as rival political reporters, watchers from the hardwood gallery determining who

was a branch stacker or factional hack repeating dogma and who made original evidence-based contributions worth reporting. It was a time of dramatic generational change when the 27-year reign of the Liberal government fell to the progressive reforms of the Labor government led by John Cain, Victoria's longest serving Labor Premier.

Chubb's trailblazing journalism led to the landmark 'Labor in Power' series and an insightful analysis of the folly of the debate on the environment and climate change in Australia, *Power Failure*. We had the opportunity of working together on the ABC's flagship evening program, the *7.30 Report*, taking it beyond its boundaries with a half-hour special of exclusive national reporting into the Royal Commission into Aboriginal Deaths in Custody, titled 'Death of Dreamtime', and another half-hour special titled 'Deadly Force', elevating fatal police shootings in Victoria to national and international scrutiny, bringing dramatic change where every officer was retrained in the use of firearms.

Phil Chubb wanted to be remembered for decency. Mate, you delivered that and so much more. For the dedication in your search for the obtainable truth, we will always be grateful. Vale, Phil Chubb.

Remembrance Day

Mr BLACKWOOD (Narracan) (10:08) — Last Saturday marked the 99th anniversary of the end of the First World War. I attended the Remembrance Day service conducted by the Warragul sub-branch of the RSL and laid a wreath with the support of two of my grandsons, Zac and Billy Parsons. It was tremendous to see so many school students representing their school by laying a wreath, along with service clubs and community members. The huge numbers in attendance put on display the enormous respect and gratitude our community has for the diggers and their families that sacrificed so much so that we could enjoy our freedom today.

Glen Nayook Reserve

Mr BLACKWOOD — Glen Nayook Reserve is a rainforest walk through a beautiful area of fern gully and remnant mountain ash forest preserved as park since 1907 and beautifully maintained by the Friends of Glen Nayook and Parks Victoria. Sadly acts of vandalism occurred recently to areas of the park, and unfortunately it is suspected that trail bike riders were responsible. This is heartbreaking for the volunteers, who care for and love the reserve. It is also very sad because it tarnishes the image of the majority of trail

bike riders, who are responsible and care for the bush and other bush users. This incident must not be used as an excuse to close the park, but instead Parks Victoria must put in place control mechanisms that will prohibit irresponsible people from accessing the park.

Great forest national park

Mr BLACKWOOD — The Institute of Foresters of Australia have written a position paper on the proposed great forest national park and have supported the current forest management arrangements that reflect a diversity of stakeholder views and maximise social value. They say, in contrast, that the proposal for a great forest national park does not demonstrate optimum public benefit for Victorians and should be rejected.

Westall Community Hub

Mr LIM (Clarinda) (10:09) — Families in Clayton South now have access to a one-stop, state-of-the-art children's hub, bringing together kindergarten, school and community health services at the new Westall Community Hub. Last week, together with the Minister for Early Childhood Education and the mayor of Kingston City Council, I had the pleasure of opening the \$8 million new integrated community centre, which is located on the same site as Westall Primary School and Westall Secondary College.

The hub includes rooms for three and four-year-old kindergarten programs, supported playgroup and maternal and child health services, such as information on breastfeeding, child health and development, maternal and family health, parenting, child safety and free immunisation. The Andrews Labor government contributed \$1.6 million to the project, which also includes a public library branch with a digital focus, 3D printing facilities, a community kitchen, community health and support services and multipurpose rooms for community use. These rooms will be used by different service providers, such as speech therapy, dental screening and education, including English language classes, for our diverse and growing community.

More than 5000 community members have already accessed the hub. The state-of-the-art facility is an exciting new addition for Clayton South children and their families, and they will benefit enormously from the opportunities and services this new integrated hub brings.

Remembrance Day

Mr GIDLEY (Mount Waverley) (10:11) — Today in the Parliament I rise to acknowledge and

congratulate the Waverley RSL on their successful Remembrance Day service last Saturday. I was pleased to attend the service, lay a floral tribute and pay my respects to all those servicemen and women who gave so much in defending our country. I particularly acknowledge Jack Walker and Nigel Linnell, who undertook proceedings on behalf of Waverley RSL, and students from Glen Waverley Secondary College and Wesley College, who also participated in the ceremony. Let us never forget the sacrifice and service of those who are acknowledged on Remembrance Day, nor ever take for granted the freedoms and liberties that we enjoy today and must protect for tomorrow and future generations.

Xin Jin Shan Chinese Language and Culture School

Mr GIDLEY — Today in the Parliament I congratulate the Xin Jin Shan Chinese Language and Culture School, located in Mount Waverley, on their successful education delegation to China. The delegation provided principals and senior school staff with the opportunity to visit schools and universities in China and gain insight into the Chinese education system. I particularly want to thank Mr Haoliang Sun and Mr Kevin Hu from the school, who were instrumental in organising and undertaking the delegation. The experience was highly valuable, and I was pleased to be able to support their good work by attending part of the delegation.

Supervised injecting facilities

Mr GIDLEY — Last week I rose in the Parliament to assure the people of Mount Waverley district that I would fight tooth and nail against the inevitable expansion of the Andrews Labor government's taxpayer-funded heroin injecting rooms into Mount Waverley district. Since that time a number of health providers have outlined their strong desire to run a taxpayer-funded heroin centre in Melbourne's east and south-east. Whilst they are entitled to their view, I again confirm to the Parliament that I will fight against such a centre on behalf of the residents of Glen Waverley and Mount Waverley. That centre has no place in Mount Waverley or Monash.

Cranbourne East Secondary College

Mr PERERA (Cranbourne) (10:12) — Cranbourne East Secondary College was recently announced as a winner in this year's Victorian Education Excellence Awards. The college took out the Outstanding Education Support Team Award in recognition of its Lift Off program, which began at the start of this year,

with 18 students enrolled from seven local secondary schools in the region. I wish to congratulate principal Mandee Strickland and her effective team on delivering another great year at the college.

Cranbourne Turf Club

Mr PERERA — It was with great pleasure that I recently attended the \$300 000 TAB Cranbourne Cup, representing the Minister for Racing. Congratulations go to the owners and trainer of Folkswood, who won the cup this year, with Kerrin McEvoy riding the winner. This weekend I am also attending the Cranbourne Turf Club's tricides event. Tricides is the only race meeting across Australia featuring all three codes at the same event. Cranbourne has some of the best racing in the state, and this event is the only one of its kind in Australia. I am proud to be the racing club's local member and proud that the Andrews Labor government is working with the racing club arm in arm to make it an even better club in our local community.

Sheep and goat electronic identification

Ms STALEY (Ripon) (10:14) — I refer to a letter dated 25 October 2017 from Jaala Pulford in the other place to me about the electronic identification grants program. This was in response to a constituent complaint from Mr Tom Guthrie of Great Western, who noted the grants program was woefully underfunded to the extent that it ran out in June 2017, just as many farmers were looking to tag autumn lambs. It is clear the government has no idea of the demand, the industry ebbs and flows or the burden their program is putting on farmers. Mr Guthrie and his wife also run Grampians Estate Winery in Great Western, where frosts have badly damaged their vines.

There is widespread frost damage across the southern part of the Ripon electorate, and I urge all of those farmers affected to explore all avenues for assistance, including mental health assistance, as this late blow to the season has caused financial and emotional havoc.

Fire season preparedness

Ms STALEY — On 13 November I was contacted by Stawell resident Tom Parkes, an avid social media user and Country Fire Authority volunteer. He received a pager notice from VicFire at 9.58 a.m. for a grassfire at Bellellen on Friday, 10 November. Mr Parkes writes:

Normally these incidents show up on the EMV map website/app at the same time, or as the Stawell brigade turns out.

However this incident didn't show up until at 11.17 a.m. This fire burnt 1 hectare and was declared safe at 10.32 a.m.

I share Mr Parkes' concern that on the cusp of the fire season we are having outages of more than 1 hour within the region, as this incident and others that have occurred did not show up on social media at a similar time either.

Rotary Eltham Festival

Ms WARD (Eltham) (10:15) — It was a beautiful day in Eltham on Sunday, and the Rotary Eltham Festival was bursting at the seams with fun, festivities and great food. Thank you to Eltham Rotary and all their volunteers for again creating a festival that is so loved by our community. A special shoutout to them too for winning the tug-of-war, having pitted themselves against teams from the Country Fire Authority, the Victoria State Emergency Service and some Vikings. It was fantastic to see so many local community sporting clubs and organisations on full display, The fireworks, as always, were spectacular, as was the music and other entertainment. Thank you also to Andeli and Ambrose from Eltham High School, who gave an amazing performance at my stall on Sunday, showcasing our fantastic local talent.

Remembrance Day

Ms WARD — The Montmorency Eltham RSL, with the help of the wonderful blokes from the Eltham Men's Shed, created a special service at the Eltham Cenotaph on Remembrance Day. A moving and thoughtful speech by Alan Field, OAM, was well received, as was the reciting of *In Flanders Fields* by Jim Yarwood from the men's shed. I thank the Montmorency Eltham RSL, the Eltham Men's Shed and everyone who was involved in this lovely service. Lest we forget.

Eltham & District Woodworkers

Ms WARD — Thank you to the Eltham & District Woodworkers for another terrific opening to their annual exhibition. It was a fantastic night, with wonderful pieces on display. A special item to note was the beautiful desk made by Talal Makdesi, a Syrian refugee living in Eltham. Talal was the owner of a furniture business in Aleppo. It, like almost all of Aleppo, has been destroyed by war. I thank the kind, and might I say very skilled, people at Eltham and District Woodworkers for the inclusion and support they have given to Talal. This desk was donated by Talal as a silent auction item, the proceeds of which will be donated towards motor neurone disease research. The desk raised \$600; I was outbid by Cr Grant Brooker.

Run for the Furies

Ms WARD — I acknowledge the voluntary work of the Research Country Fire Authority (CFA) brigade, the Kangaroo Ground CFA brigade, the Diamond Creek Runners and the Eltham Lions Club, who put together another fantastic Run for the Furies, which raises money to support the Research and Kangaroo Ground CFA brigades. It is always such a great event which is well organised and a lot of fun. Every year they do this. It is just a fantastic community event.

Ormond railway station development

Mr SOUTHWICK (Caulfield) (10:17) — Yesterday the upper house revoked a planning scheme amendment for a 13-storey sky tower at Ormond as part of the level crossing removal. The level crossing removal is something that I have advocated for in my time, and I was very proud that that happened. There was no such value capture — that was put on afterwards — and the secret platform that was put there without the public's knowledge was certainly the reason the public has been up in arms over this project right from the very beginning.

This is a good result for democracy, particularly for those who did not know what was ever going to go there and for the locals who were not consulted. Ultimately this is the government's responsibility, and the developers should sue the government for being able to do what they have done by allowing this to happen with all of the secrecy and lack of proper consultation. The government has taken the developer, the constituents and everyone for a ride on this bad project.

HEALTH AND CHILD WELLBEING LEGISLATION AMENDMENT BILL 2017

Statement of compatibility

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the charter), we make this statement of compatibility with respect to the Health and Child Wellbeing Legislation Amendment Bill 2017.

In our opinion, the Health and Child Wellbeing Legislation Amendment Bill 2017, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. We base our opinion on the reasons outlined in this statement.

Overview

The bill amends the Child Wellbeing and Safety Act 2005, the Health Complaints Act 2016, and the Public Health and Wellbeing Act 2008.

Part 2 of the bill amends the Child Wellbeing and Safety Act 2005, particularly part 5A of that act, which provides for a reportable conduct scheme. That scheme requires the head of an entity (entities required to comply with the scheme are set out in schedules 3, 4 and 5 of the act) to notify reportable allegations about the entity's employees (as defined in section 3) to the Commission for Children and Young People (commission), and to investigate those allegations. The commission also has power to initiate its own-motion investigations into reportable allegations and to advise the Department of Justice and Regulation of substantiated reportable allegations for the purposes of assessments and reassessments of working with children checks. The bill makes a number of amendments, including to clarify:

the range of kinship and foster care arrangements that are covered by the scheme (see clause 3(1)(b));

the definition of the 'head' of an entity to which the scheme applies (see clause 3(1)(c));

that part of an entity or a part of a class of entities can be exempt from the scheme (see clause 4). This would mean, for example, that parts of an entity not sufficiently connected to children or parts of an entity located outside of Victoria can be exempt;

that regulations under the act may enable information to be shared with interstate, territory or commonwealth bodies, for example, the Australian Capital Territory and New South Wales ombudsmen, that are responsible for administering reportable conduct schemes in those jurisdictions (see clause 6);

that secretaries of departments may delegate their powers, functions or duties in their capacity as the head of an entity (see clause 7).

The bill also makes a number of minor and technical amendments with respect to prescription of the entities which must comply with the child safe standards (see clauses 3, 8–15) including to ensure that entities that engage in child employment to assist the organisation to provide or produce goods are also captured (clause 3(1)(a), 3(3) and 12(2)).

Part 3 of the bill amends the 'no jab, no play' provisions of the Public Health and Wellbeing Act 2008. These provisions require early childhood services to ensure that a child is age appropriately immunised or has an appropriately certified medical contraindication to immunisation before a child is enrolled in the service. The bill amends the act to provide for a definition of 'age appropriately immunised' that aligns with the commonwealth immunisation requirements, but also allowing for the state to specify other child immunisation requirements (see clauses 16, 17, 20 and 22). The effect of the amendment is that an extract from the commonwealth Australian Immunisation Register is required to evidence a child's immunisation status under the 'no jab, no play' provisions (unless other documentation or requirements are declared by the Secretary to the Department of Health and Human Services as being acceptable). Clauses 19 and 21 provide for additional obligations upon parents to provide up-to-date immunisation certificates and upon early

childhood services to ensure that occurs. The bill also amends the Public Health and Wellbeing Act to provide for reporting and collection of information relating to anaphylaxis (clauses 18 and 23).

Finally, the bill makes amendments to the Health Complaints Act 2016 to provide who may bring proceedings under the act.

Human rights issues

Rights of children (section 17)

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

The bill makes amendments to the reportable conduct scheme and the operation of child safe standards under the Child Wellbeing and Safety Act 2005, which are aimed at the protection of children. Clause 4 of the bill enables the exemption of part of an entity from the reportable scheme. The purpose of this provision is to ensure that parts of an entity such as those not sufficiently connected with children or those operating outside Victoria, are not inappropriately subject to the scheme. Any such regulations would be subject to examination by the Scrutiny of Acts and Regulations Committee, pursuant to section 21 of the Subordinate Legislation Act 1994. Accordingly, I consider that the provisions are compatible with the rights of children in section 17(2) of the charter.

Part 3 of the bill makes amendments to the 'no jab, no play' provisions of the Public Health and Wellbeing Act. The human rights implications of those provisions including in relation to section 17(2) of the charter have already been the subject of a statement of compatibility, particularly in light of the importance of children being appropriately immunised and the potential impact upon unimmunised children accessing child care. The amendments made by this act, including a definition of 'age appropriately immunised' that encompasses state immunisation requirements and additional obligations upon parents and early childhood services with respect to provision of up-to-date certificates, does not impact upon that assessment. The prescription of state immunisation requirements will be subject to the charter, including the rights of children to such protection as is in their best interests under section 17(2).

Rights of families and privacy (sections 13 and 17)

Section 17(1) of the charter provides that families are the fundamental group unit of society and are entitled to be protected by society and the state. Section 13(1) of the charter protects against unlawful and arbitrary interferences with one's privacy, family and home.

The reportable conduct scheme in the Child Wellbeing and Safety Act 2005 already captures specified foster care and kinship care arrangements. The amendments in clause 3(1)(a) of the bill clarify the scope of coverage. The extension of the scheme to these arrangements engages the rights in sections 17(1) and 13(1) of the charter, as it has the potential to impact the privacy of the individuals concerned as well as their relationships with each other, particularly between the carer and the child. However, any such interference is lawful and reasonable in light of the importance of the protection of children in out-of-home care.

Information privacy (section 13)

Section 13 of the charter also protects against unlawful and arbitrary interferences with privacy.

Clause 6 of the bill expands an existing power at section 16ZC of the Child Wellbeing and Safety Act 2005 for regulations to prescribe other persons or bodies with whom the commission, entity head and a regulator may share information. Clause 6 clarifies that regulations can also be made that enable information sharing with commonwealth, interstate and territory persons or bodies. Those regulations will be subject to examination by the Scrutiny of Acts and Regulations Committee, pursuant to section 21 of the Subordinate Legislation Act 1994. Further, any information that is shared will be subject to the information privacy protections under the relevant commonwealth, interstate or territory laws and will be limited to sharing for prescribed matters and where relevant to the person's or body's statutory functions. The sharing of information between the commission, entities and regulators complying with the reportable conduct scheme and relevant interstate, territory and commonwealth bodies is important to ensuring the protection of all Australian children. For example, to enable cross border information sharing with police and reportable conduct schemes in other jurisdictions. Having regard to these matters, as Minister for Health I consider that these provisions are compatible with the right to privacy.

The anaphylaxis reporting requirements in clauses 18 and 23 will involve the reporting and collection of information about anaphylaxis. To the extent it may involve personal information, it is necessary in order to pursue the important public health and wellbeing objectives of the scheme and any such information will be the subject of privacy protections contained in the Health Records Act 2001. New section 130C permits the disclosure of the information collected by the secretary. This disclosure is lawful and is not arbitrary as the secretary may only provide the information to a prescribed body if the secretary considers it is in the public interest to do so. Accordingly, as Minister for Health I consider that the provisions are compatible with the right to privacy in section 13 of the charter.

Hon. Jill Hennessy, MP
Minister for Health

Second reading

Ms HENNESSY (Minister for Health) — I move:

That this bill be now read a second time.

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

This bill will improve the operation of three important regulatory schemes introduced by the Andrews Labor government — no jab, no play, the reportable conduct scheme and the statutory scheme for responding to complaints made about health service providers. It will also provide for mandatory reporting of cases of anaphylaxis to the Department of Health and Human Services by hospitals.

Public Health and Wellbeing Act 2008 — no jab, no play

The proposed amendments focus on ensuring Victorians' health and wellbeing, and particularly that of our children, is safeguarded.

Victoria's no jab, no play laws came into operation on 1 January 2016. They have promoted immunisation coverage by requiring all Victorian children to be fully vaccinated to attend child care and kindergarten. In 2018 almost 95 per cent of children starting school in Victoria will be fully immunised. It is a significant achievement. I want to acknowledge the great work that has been done by parents, early childhood services and healthcare providers to get us this much closer to the 95 per cent 'herd immunity' target necessary to halt the spread of dangerous and virulent diseases such as measles.

The proposed amendments to the Public Health and Wellbeing Act 2008 in this bill tighten and simplify immunisation requirements in two ways. Firstly, they will provide that the only document early childhood services and primary schools will be able to accept on enrolment will be an Australian immunisation history statement. Secondly, mandatory periodic checks will be introduced to verify that children are receiving their scheduled vaccines on time throughout their early years in education and care.

Immunisation history statements, containing data from the Australian Immunisation Register, are easily available online or can be posted by Medicare to all families living in Victoria, including to our residents who don't have Medicare cards.

They are simple for early childhood services and primary schools to read and interpret and most families already provide them to these services to confirm their child's immunisation status.

Prior to these amendments the law has allowed parents and guardians to provide a letter from their doctor to certify their child has a medical condition, such as a form of anaphylaxis or a compromised immune system, that prevents them from being immunised.

This year a Melbourne doctor has provided what he claims were 'medical contraindication' letters to a number of Victorian families — we know of 42 cases — with the stated intent of assisting these families to avoid the no jab, no play laws. This doctor is currently under investigation by the Australian Health Practitioners Regulation Agency — AHPRA — and his medical registration has been suspended.

Vaccinations are safe and save lives. So we also want to ensure the existing no jab, no play laws are tightened to safeguard against any other doctors with unorthodox views on vaccination; views outside accepted medical practice and unsupported by scientific evidence.

The new requirements for immunisation history statements will mean all medical contraindications must be certified by an authorised medical practitioner through the Australian Immunisation Register and be noted on a child's immunisation history statement. A letter from a doctor will no longer be sufficient to enable enrolment in a Victorian early childhood service.

The amendments also provide the Secretary to the Victorian Department of Health and Human Services with the power to declare alternative documents to be acceptable in rare

situations where an immunisation history statement doesn't fully explain the child's circumstances. For example, there are a small number of children with severe behavioural issues who can't be safely vaccinated. Families with children in this situation can obtain a letter from the Secretary to the commonwealth Department of Human Services and, under the proposed amendments, this will be able to be declared an acceptable document under no jab, no play. The power will enable Victoria to make exceptions to the general legislative requirements where necessary.

Under the Public Health and Wellbeing Act primary schools are also required to record the immunisation status of all children in their care, so they can protect unimmunised children during an outbreak of vaccine preventable disease. Under these amendments immunisation history statements will become the only documents parents can provide for this purpose. Letters from doctors or other immunisation providers will no longer be sufficient.

Victoria has a routine schedule of vaccines provided free to children at two, four, six, 12 and 18 months and at four years of age under the national and Victorian immunisation programs. Under this bill parents will be required to provide, and early childhood services will be required to collect immunisation history statements so that they can verify that children have received their age-appropriate vaccines. The frequency of these checks will be prescribed in regulations to be developed in consultation with the early childhood sector and public health experts. This new measure will provide an important additional prompt to both parents and services to ensure that children remain fully vaccinated throughout their time in early childhood education and care.

Victoria's no jab, no play laws support both the health and education of young children. The amendments contained in this bill will ensure the government's focus on the health and safety of our children continues. The amendments will not affect the 'grace period' provisions under our no jab, no play laws that enable vulnerable and disadvantaged children to participate in early childhood education and care while their carers are supported to have them fully immunised. The laws will also continue to support children who can't be immunised for medical reasons to attend child care or kindergarten protected by the high immunisation rates that provide herd immunity.

The new requirements for provision of immunisation history statements on enrolment are intended to commence the day after the bill receives royal assent and the provisions for mandatory periodic checks of immunisation status will commence on 1 November 2018. This will allow time for consultation with key stakeholders and for the necessary regulations supporting the amendments to be developed.

The Department of Education and Training regulates most early childhood education services in Victoria. The Department of Health and Human Services is working with the Department of Education and Training to ensure families, early childhood services and vaccination providers are informed of the new requirements and are consulted about the frequency of the new mandatory checks.

Public Health and Wellbeing Act 2008 — Hospital reporting of anaphylaxis cases

The bill includes amendments to the Public Health and Wellbeing Act 2008 to introduce a requirement for hospitals

to report cases of anaphylaxis to the Secretary to the Department of Health and Human Services. This will ensure the department can respond and take timely action where necessary, in response to reported cases of anaphylaxis.

Anaphylaxis is the most severe form of allergic reaction and can be fatal. In Victoria, food-related anaphylaxis accounts for approximately 48 per cent of the total anaphylaxis presentations to emergency departments. Food-induced anaphylaxis is most common in children, with the majority of hospitalisations occurring in children under four years of age. Other presentations at hospitals for anaphylaxis can be due to insect stings and adverse reactions to drugs.

In June 2016, Coroner Audrey Jamieson made a recommendation that the government should establish reporting requirements for cases of anaphylaxis in hospitals. The recommendation followed an inquiry into the tragic case of a 10-year-old boy who died after consuming a coconut drink that contained milk. The boy was allergic to milk and the product's labelling failed to declare that there was milk in the drink. A product recall was ultimately initiated, however this did not occur for some weeks as the department was not informed of the incident until several weeks after it had occurred.

Hospital admissions due to anaphylaxis have been increasing at an accelerating rate since 1993. According to retrospective data submitted to the department by hospitals, the number of cases of anaphylaxis in hospitals is increasing from year to year. In 2014–15 there was an increase of 16 per cent from the previous year, and similarly in 2013–14 there was a 16 per cent increase on the previous year.

The information provided to the Department of Health and Human Services as a result of this legislation will play an important role in allowing the department and researchers to monitor and understand these trends, as well as taking timely action to limit the impact of any public health risk.

The bill requires the hospital entity to make the report to the department, and obligation applies to both public sector and private sector hospitals. The provisions also impose an obligation on the 'person in charge' of the hospital, to ensure that the necessary processes are in place for the required reporting. The 'person in charge' for a public sector hospital is the chief executive officer, and for a private sector hospital is the proprietor of the hospital.

Regulations will contain the details to operationalise the reporting arrangements, including matters such as the manner and form of reporting and reporting timelines.

The proposed reporting will enable timely response to public health issues that arise in relation to anaphylaxis — for example, where there is a case that arises from an unsafe or mislabelled food product, the new reporting to the department will allow prompt action to remove that item from sale unless and until it is appropriately labelled and safe to consume.

Health Complaints Act 2016

The new Health Complaints Act 2016 was introduced on 1 February 2017. That act established the role of health complaints commissioner and created a new health complaints system with tougher laws to warn and protect the Victorian community from harm and unscrupulous unregistered health service providers.

In the first five months of office, the commissioner has already reported receiving a 500 per cent increase in complaints about non-registered health service providers, when compared with the same period in the previous year. This indicates that the Victorian community has confidence that the new health complaints system will address issues with health service providers.

The new laws provide the commissioner with a range of important approaches to assist in resolving and responding to complaints, including an own motion power to investigate and to 'name' risky providers in certain circumstances with the aim of protecting the public.

Where necessary, it is important that the commissioner also has the ability to prosecute providers who are breaching the act and putting the community at risk. This is a necessary part of an effective regulatory toolkit. The bill makes clear that this power is available to the commissioner, just as it was available to the previous health services commissioner.

This is consistent with the power that the commissioner already has under the Health Records Act 2001 to take action under that act.

These amendments are intended to commence the day after the bill receives royal assent. The amendment will ensure the commissioner can effectively crack down on those providers as intended and where necessary, by prosecuting them under the act where the circumstances call for this.

Child Wellbeing and Safety Act 2005

Child safety is everyone's responsibility.

The government has driven significant reform to protect the most vulnerable members of our community, children. Child safe standards were introduced from 1 January 2016 and the first phase of the reportable conduct scheme commenced on 1 July 2017.

Both reforms were introduced in response to recommendations of the report of the Family and Community Development Committee of the previous Parliament, entitled *Betrayal of Trust: Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations*.

Both reforms are overseen by the Commission for Children and Young People, and they work to protect children from abuse in organisations that provide services to children.

This bill proposes amendments to the Child Wellbeing and Safety Act 2005 to support the implementation and operation of the reportable conduct scheme and child safe standards.

The reportable conduct scheme improves oversight of responses to allegations of child abuse, sexual misconduct and other child-related misconduct in organisations that exercise care, supervision and authority over children.

Since the reportable conduct scheme commenced on 1 July 2017, the commission and the Department of Health and Human Services have closely monitored issues associated with implementation. This bill responds to those issues to ensure the scheme operates as intended and to ensure the original policy intent is reflected in the scheme.

In particular, the definition of 'employee' under the scheme will be amended to ensure that the range of formal kinship

and foster carer arrangements is covered. The amendments will make clear that kinship care arrangements are captured, whether they arise from a kinship care placement:

by the Secretary to the Department of Health and Human Services;

by an Aboriginal agency authorised under section 18 of the Children, Youth and Families Act 2005;

by the Children's Court; or

as a result of a voluntary child care agreement under part 3.5 of the Children, Youth and Families Act 2005.

These amendments do not create an employment relationship between kinship and foster carers with the entities they are associated with, nor of any other person who is defined as an 'employee' under the scheme.

The bill will amend the definition of 'head' of an organisation in scope of the scheme, to ensure the definition is clear while being sufficiently flexible to accommodate the wide range of organisational structures that are in scope of the scheme. The mechanism to identify the appropriate position in an organisation uses a hierarchy to provide clarity. It also provides for a process for the organisation to nominate a 'head' — and the commission to approve that nomination — in circumstances where a 'head' is not otherwise identifiable.

The bill will also enable regulations to prescribe additional persons or authorities to whom information about reportable conduct may be disclosed. If appropriate, this will enable regulations to be made with respect to:

interstate organisations, in recognition of the importance of cross-border information sharing with police and reportable conduct schemes in other jurisdictions; and

commonwealth organisations, in anticipation of the future oversight of national disability insurance scheme providers.

The bill will make other amendments to:

enable secretaries to departments to delegate duties, functions or powers, such as their obligation as entity 'head' to notify and respond to reportable conduct allegations under the reportable conduct scheme;

provide for regulations to exempt part of an entity from the operation of the scheme, such as where some of the entity's activities do not deliver services to children or do not provide services in Victoria; and

make minor technical amendments to clarify the application of the child safe standards to certain organisations.

The amendments to the reportable conduct scheme will commence the day after the bill receives royal assent. The amendments to the operation of the child safe standards will take place on 1 November 2018, or at an earlier date to be proclaimed. This will enable the necessary consequential amendments to be made to the child safe standards, and for these to be published in the *Government Gazette*.

This bill will support the Commission for Children and Young People and organisations to meet their responsibilities

under the reportable conduct scheme, in order to better protect children from the risk of abuse in organisations that exercise care, supervision and authority over them.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Thursday, 30 November.

**CRIMES LEGISLATION AMENDMENT
(PROTECTION OF EMERGENCY
WORKERS AND OTHERS) BILL 2017**

Second reading

Debate resumed from 2 November; motion of Ms NEVILLE (Minister for Police).

Opposition amendments circulated by Mr CLARK (Box Hill) under standing orders.

Mr CLARK (Box Hill) (10:21) — This bill is a belated and woefully inadequate attempt by the government to tackle the serious problem of ramming of police and other emergency vehicles, a measure that has been taken by the government only following the coalition parties' commitment to such legislation back in June this year. Regrettably the bill that now finds its way to the house falls short of what is necessary and fails to send the very strong and clear message to would-be offenders that ramming of police vehicles is a serious offence and that they can expect to spend time behind bars if they commit that offence — as the coalition parties' bill proposed, at least two years behind bars — and to make that a very clear and universal message, a message that the bill now before us fails to send.

Contempt for the law has been rising dramatically in Victoria over the last few years. We have seen that with the aggregate increase in crime offences, particularly offences of violent crime including home invasions, carjackings, street assaults and other crimes of violence. We are seeing as part of that a growing disregard for the authority of those who are charged with keeping the community safe and a growing view amongst offenders that they can disregard the authority of the police force, disregard the police as representatives of the community and get away with whatever they like.

We are certainly seeing that with the huge increase in the number of rammings of police vehicles that have taken place in recent years. There were 30 such rammings in 2013–14; by 2015–16 that had jumped to 103 rammings, an increase of more than 240 per cent over two years; and in 2016–17 there was a further

13 per cent increase, to a total of 117 rammings of police vehicles. Alongside that we have seen increases in other statistics in relation to offences against police officers, with the offence of resist or hinder officer increasing by 179.6 per cent in the three years to June 2017, to a total of 9180 offences, and the offence of assault police, emergency services or other authorised officer increasing by 13.5 per cent to 3075 offences. That, as I have alluded to, is symbolic of the level of disrespect that is being shown to police members by offenders within the community.

That situation needs action to tackle it, and it was that action that the coalition parties committed to take, with an announcement on 16 June this year that the Liberal-Nationals coalition would introduce legislation to create a new offence of ramming a police vehicle that would provide a two-year statutory minimum and a 10-year maximum jail term and further added that these would be served cumulatively not concurrently with related offences. This was designed to send a very strong and straightforward message to would-be offenders that if you ram a police vehicle you can expect to go to jail for at least two years.

That initiative was warmly welcomed by the Police Association Victoria. They said in a media release of 16 June that they were very concerned at the increase in ramming of police vehicles that had taken place and that:

It's nothing short of a miracle that no police officer has yet been seriously injured or killed on the 221 occasions where a police vehicle has been rammed in the past two years, but it's only a matter of time before one of our members becomes a statistic unless something is done about this now.

...

Ramming of police vehicles were extremely rare in the past. Now they're happening all too frequently. There have been 117 such incidents during the current financial year, off the back of 103 incidents the year before.

This trend is extremely worrying. Nothing has worked to date to stop it. There has to be a circuit-breaker.

For this reason we've been calling on both sides of politics to consider introducing legislation to make this a specific offence carrying significant punishment to create a strong deterrent to help keep our members safe.

We therefore welcome and fully support the opposition's announcement today to get tough on these offenders.

So belatedly, having criticised the opposition's move and indeed having opposed it in the Parliament and later voted it down when the bill reached this house, the government on 9 August announced that it would 'in the coming weeks' introduce similar legislation, and on the last day of October the bill now before us became

available to the house and to the community and we now proceed to deal with it.

It is yet another instance where the government has had to be dragged kicking and screaming to follow the lead of the coalition parties and break out of their usual torpor and lethargy when it comes to keeping the community safe or indeed to break away from the soft-on-crime philosophy that dominates so many sections of the Labor Party and the government. However, yet again the bill that comes before us fails in its fundamental task of sending a very clear and strong message to would-be offenders. It is a muddled bill, a confused bill, with a multiplicity of offences, and in particular it fails to provide a universal statutory minimum sentence for anyone who rams a police vehicle or another emergency vehicle.

The bill introduces three layers of offences — three new offences. The first is intentionally exposing an emergency worker, a custodial officer or a youth justice custodial worker to risk by driving — an offence that would carry a maximum 20-year term of imprisonment. The second offence it creates is recklessly exposing an emergency worker, a custodial officer or a youth justice custodial worker to risk by driving, carrying a maximum 10-year term of imprisonment. The third offence it creates is damaging an emergency services vehicle, which would carry a maximum five-year term of imprisonment.

However, the statutory minimum of two years imprisonment will only apply if an adult offender commits the offence of intentionally exposing an emergency worker to risk to safety by driving and in so doing causes an injury to the emergency worker while they are on duty. So it is only in a very limited range of vehicle ramming offences that a statutory minimum will apply. It has to actually cause injury. An offender who has equal intent, with equal disdain for the law, with equal desire to do injury or cause damage or defy the law, who rams a police vehicle at considerable speed and does considerable damage but does not cause injury to the police officer or other emergency worker will not be liable to the statutory minimum sentence. Whereas if a police officer happens to be in the vehicle, then and only then will the statutory minimum sentence apply.

In our view that is completely misguided in sending a strong and clear message to would-be offenders, because they need to know that they should not even think about ramming a police vehicle. If they deliberately ram a police vehicle in any circumstances, then they will face those two years in jail. But this gives them an out, gives them uncertainty, letting them think, 'Well, maybe it won't apply'. They just will not

understand a complicated message, and that is probably one of the clear take-outs that has come about in terms of stronger and more effective sentences. The messages need to be very clear and simple. Many offenders do not have much regard for the detail of the law. If people were more sensible and more considered in what they did, they probably would not be offenders in the first place. So there is no point in having complicated and nuanced laws or messages. There needs to be a very simple and strong take-out so that the offender who is minded in a rush of desperation to escape arrest or in a fit of anger or under the influence of alcohol and drugs can get that very simple message — 'If I ram that police vehicle, I am going to go to jail for at least two years'. We need to get that simplicity of messaging into the legislation if we are to hope that it is going to have an effect.

That is the intention of the amendments that I have circulated and proposed to move on behalf of the opposition, and if the government does not address them in this house, then no doubt they will be moved in the other house as well. What those amendments will do is make clear that the statutory minimum sentence is to apply to all instances of vehicle ramming, not just in circumstances where an injury happens to result. The amendments will also make changes to some of the maximum penalties as well, to ensure that we have stronger maximum penalties. In our view that will achieve the strength and the simplicity of message that is required in these circumstances.

It is unfortunate that we have got to a state in Victoria where the law and those who are charged with upholding the law are being treated with such disdain by would-be offenders. If we cannot protect those who put themselves on the line to protect us, then we are indeed failing them and failing the whole community. There should have been much stronger and more decisive action by the government to deal with issues of offending much earlier on to ensure that the courts acted in a way that properly and fully reflected the intentions of this Parliament on behalf of the community and to ensure that our police force had the resourcing it needed to give effect to the laws.

Regrettably the government has failed on both of those fronts. It has allowed a decline to occur in the number of frontline police. It has allowed a decline in the number of police per head of population overall. That, along with a weakening of sentencing, along with failures to act on bail and on parole and on other areas where action has been needed, has continued to send a message to offenders that they can get away with it — that the law is weak and they can treat it with contempt. Once that genie is out of the bottle, once that gets into the heads of

offenders, then it is very difficult to reverse that attitude, and that is the situation that we have to grapple with as a community and as a Parliament at the moment.

This bill before us has failed the test. It is convoluted, it is late, it fails to send a clear message to offenders, and it leaves the community badly let down. The amendments that we have moved will hopefully strengthen the bill and get it back to what is needed to send a strong message in relation to police vehicle ramming. But that in itself is only a small part of what needs to be done in order to help make our community safer. I think it is now very clear that only a change of government — the election of a coalition government — can bring that about.

In the meantime the community will have to endure the inadequacies and failures of the current government. We on this side of the house will certainly do our best to draw those failures to the attention of the community as strongly and clearly as possible. We will also continue to do our best to bring about improvements to the law, even from opposition, as indeed we have been successful in doing on a number of occasions to date and as this legislation that the government has belatedly brought to the Parliament reflects. We very much look forward to moving into consideration of our amendments, either in this place or in another place, and we hope that the government will at last see the merit of them and agree to them so that we can get a very clear and strong message to would-be offenders so we can help keep our police officers safe and ensure that our community is better protected.

Mr PEARSON (Essendon) (10:36) — I am delighted to make a contribution on the Crimes Legislation Amendment (Protection of Emergency Workers and Others) Bill 2017. The manager of opposition business did surprise me. I had expected that he would speak for the entirety of his allotted time. He caught me napping briefly, but I am pleased to rise to speak on this important piece of legislation.

The bill that is before the house is the result of comprehensive work that has occurred between the government and stakeholders to address a growing and concerning trend. Back in the 2015–16 financial year 101 police vehicles were rammed. In the most recent financial year, 2016–17, that number had increased to 181. In the 2016–17 financial year there was an instance in which one officer was injured. This is a worrying trend, and it has certainly been cause for some concern for Victoria Police, for the Police Association Victoria (TPA) and for the broader community. When confronted with this level of escalating violence, it is

incumbent upon the Parliament and the government to respond effectively.

At the outset I want to commend the great work that Victoria Police does across the state but also I think specifically in my electorate. The state district of Essendon is well serviced by the Flemington police station as well as the Moonee Ponds police station. I think the Flemington police station was described by Barry Humphries as one of the finest examples of architecture he had seen in Melbourne. It certainly is a wonderful building in Wellington Street.

In terms of my community, Inspector Charmaine Hosking, who was appointed around 12 to 18 months ago, has done a fantastic job in providing great leadership in our community. Certainly in my electorate there are challenges that we confront. There was an instance where a car in Moonee Ponds was going to be stopped in a side street and a weapon was discharged at the police vehicle and officers were injured. Thankfully they were not injured seriously. When you see those sorts of instances occurring in the community, it does give you pause to think and reflect on how we can try to make our society safer and protect our sworn officers.

Like you, Acting Speaker Dimopoulos, we are of an age where we remember Walsh Street, and we certainly remember what occurred down at Moorabbin with Gary Silk and Rodney Miller, who lost their lives in 1998. At every step of the way we must endeavour to make sure that our police and emergency services workers have the protections they need to discharge their duties and do what is required of them.

The bill that is before the house seeks to do that, and it does it well. It is the result of consultation and work between the government and the police association. I think the police association does a very good job of advocating on behalf of its members but also in being able to provide some of that critical coalface experience, as it were — the ability to understand how policy is to be implemented and implemented effectively. I had the great privilege and honour to be the police adviser to Steve Bracks when he was opposition leader in the 1990s —

Mr Richardson — Back in the glory days.

Mr PEARSON — Back in the glory days, indeed. They were heady days. One of the great policies we had was to recruit 800 additional sworn police officers. I actually think the member for Gembrook may have made it into Bracksy's 800. I think he was a direct beneficiary of that policy.

I had really good dialogue and engagement back in those days with Paul Mullett and Graham Kent, who were both outstanding officials of the police association. They really cared a great deal about their members. They really understood deeply how policy would impact upon their members. They were really good advocates back then in terms of how, when you try to devise a policy, you must try to understand the broader implications that will flow from that.

You can effectively write good public policy that achieves the objectives that you have set out to achieve but also minimise the unintended consequences. By listening to important stakeholders like the TPA you do learn a lot. Back then we were actually talking about having proper security belts so police could holster not just their weapons but other equipment. I remember Graham and Paul talking about the impact that having too much weight on a belt can have in terms of WorkCover claims because of the impact that it has on officers. Little things like that, you do not actually think of.

Sometimes in this role you think, 'Look, that's fine; we can just put more kit on the sworn officer'. We want to give them more, we want to make them more effective, so we will just load them up with additional equipment. You do not always think about the impact on WorkSafe claims of carrying 10 kilos around your waist or 15 kilos or 20 kilos around your waist in equipment, or the impact that will have on the ability of those officers to do their job. It is a longwinded way of saying that you have got to work with your stakeholders.

Police Association Victoria has worked closely with the government on the development of the bill before the house. It is about making sure that we are providing the protection that is required for our sworn officers. It is a really important piece of legislation. The reality is that both sworn officers and more broadly emergency services workers need protection to do their job so they can go to work, protect our streets, protect our community, serve our community and go home safely.

I note that the member for Box Hill in his contribution earlier alluded to the bill that was introduced in the other place. I think there were some problems with that bill. One particular problem was the fact that it only applied to marked police vehicles, so if you were driving an unmarked police car and that was rammed, that would have been outside the scope of the bill. I was reminded by the member for Lowan saying in one of her earlier contributions that her father said, 'You do it once, you do it properly'. In relation to this bill we have done it once and we are absolutely proposing that we do it properly. The bill does do it properly. It is the

result of extensive consultation and discussion. It ensures that our sworn officers can do their job and know that there will be appropriate penalties put in place if they are threatened by a vehicle ramming them, be they driving a marked police car or an unmarked police car.

I am really pleased that this has come about through consultation, negotiation and discussion with such an important stakeholder like the police association, because they do a great job in terms of advocating on behalf of their members. It is about making sure that we get the balance right and that we are also providing the right protection for emergency services workers more broadly.

That is sort of where we find ourselves. It is important when you see these problems emerging that you do look at responding. I cannot recall that ramming police vehicles happened terribly often when I was growing up. It is probably a bit more of a recent phenomenon. When you see these sorts of activities occur it is incumbent upon government to respond but to do so in the right way so that we get that balance right and make sure that we come up with a bill that is actually going to do the things it sets out to do and achieve. As I said, it is a really important piece of legislation.

I commend the great work of Victoria Police. I am really pleased with the great role that Senior Sergeant Frank Fabbian down at Flemington and Senior Sergeant Ian Jones at Moonee Ponds police station do protecting our communities. Charmaine Hosking is an outstanding leader and has made a fantastic contribution in the brief time that she has been an inspector for the Moonee Valley region. It is a really great piece of legislation. It is the result of extensive consultation and discussion, and I commend the bill to the house.

Mr T. BULL (Gippsland East) (10:46) — I rise to make a contribution on the Crimes Legislation Amendment (Protection of Emergency Workers and Others) Bill 2017. I want to start off by touching on a point that was made by the member for Essendon in his contribution. He said that when he was growing up we did not hear much about police car rammings. While I might have a couple of years on the member for Essendon — I think — he is certainly right in saying that when we were growing up our era and generation had a much deeper respect for our emergency services. We did not hear about things like police car rammings, and if anything like that did occur, it was often rare. But we find ourselves today with some elements of society — and I will say 'some' — not having the respect for the emergency services that should prevail.

It extends beyond police to our ambulance officers. We have read reports in the daily papers at times of ambulance officers and paramedics tending to people who are clearly unwell where those officers have been attacked and have often found themselves in a life-and-death situation. It is hard to fathom. It is abhorrent behaviour, and appropriate protections need to be put in place. It all comes back to the culture of respect for our emergency services. In East Gippsland we have had scenarios where I have seen the police not treated with the respect they deserve. Often it is holiday crowds that are infiltrating in over summer. Often there is alcohol involved. However, that prevailing attitude still exists.

It is clear that it is an issue right around the state. Some articles that highlight these issues around Victoria include the *Border Mail* article 'Put rammers in slammer'. We also have articles from the *Geelong Advertiser* headed 'Lock up these hoons — Police union wants to put rammers in the slammer'. These articles are all from this year. In the Ballarat *Courier* 'Surge in cop car rammings' is the headline. Of course there are other headlines. There is one from the *Herald Sun* headed 'Cop cars a growing target'. It is an issue that is not confined to metropolitan areas or urban areas. It is an issue that we have right around our great state of Victoria, and it is something that needs to change. It is unfortunate in some ways that we have to put legislation like this in place. You would hope that parents raise their children to have the respect for the emergency services that we require, but when we have these elements that prevail in our society then we do need to change legislation and make people more accountable.

The one criticism that I have of this legislation, while it is good in nature and does improve the situation, is whether it goes far enough. We have had our shadow minister Edward O'Donohue in the other place for quite some period of time working on this issue, proposing legislation. A major point of differentiation between the opposition's stance and the government's is that this one has a high level of complexity, and it also has some differences around the severity of the penalties that are imposed.

The opposition's proposal was quite simple: it sent a very strong message of deterrence, particularly to adult offenders, that if you deliberately ram a police vehicle — no ifs, no buts — that is not acceptable. You will go to jail for two years. We can say there may be overriding circumstances here or there, but at the end of the day people have got to be made accountable for their actions — they do. We need to be as tough as we possibly can be. Noting that we are not opposing this bill at all because it does improve the situation, we

support the amendments and we look forward to this bill going into committee.

This bill is rather complicated and my query is: yes, it does toughen up the legislation, but does it send a strong enough penalty? Does it send a strong enough deterrent to would-be offenders? Because my concern is that it does not and we could go further. We need to provide in some cases a minimum sentence so that people know — no ifs, no buts — that if you are going to engage in this behaviour against the people who we rely on to control our society and uphold our laws, you will go to jail. I would like to see that obviously inserted into this bill.

Another thing I want to talk about is that this bill does improve the current situation, with specific offences being created that will provide greater levels of protection to police and emergency services workers. On this basis I understand that because it does provide those improvements the Victoria Police Association is supportive of this bill. But, I say again, I am sure the police association would have been happy to see elements of stronger penalties introduced in relation to this bill. It is something that, as I said, we have been very, very vocal about for quite some period of time.

We need to be able to control a scenario that often arises when we have crowds, alcohol, other substances and it is sort of, in some strange way, considered cool to be challenging the law, it is in some strange way considered to be funny or brave amongst your mates to be able to challenge the emergency services workers — 'Gee, it is tough, did you hear what so and so did last night?'

We also have the other scenario that arises when someone has done the wrong thing and they are trying to escape, and they think, 'Well, my way out of this is ramming this police car. My way out of this is not being caught, and I can do that by ramming the police car'. They choose these other options — whether it is to be cool, to be talked about or to get out of trouble — because the penalties are not strong enough to punish them and make them accountable. The repercussions there are just not severe enough.

So I would strongly urge the government to please consider the amendments being put forward in relation to this. There should be no ifs, no buts. If you want to ram a police car and if you want to attack paramedics who are tending to someone who is gravely ill, there should be no extenuating circumstances that make that okay.

In finishing up, this bill is a step in the right direction. It is. Please consider the amendments. Please consider what is discussed in the committee element that

hopefully we will get to later on today, and let us make people more accountable and provide a greater level of protection to our emergency service workers.

Mr RICHARDSON (Mordialloc) (10:54) — It is a pleasure to rise on the Crimes Legislation Amendment (Protection of Emergency Workers and Others) Bill 2017. This is yet another important example of how the Victorian Labor government is supporting our emergency workers and our police. I place on the record from the outset my community's appreciation for the service of police members in Chelsea, Mordialloc, Cheltenham and Moorabbin, who each and every day put their communities first and their community safety second in everything they do to protect others. Support for Victoria Police members goes to our commitment: 3000 extra police members and a 20 per cent increase in police resources.

But what we see is a worrying trend in the respect for our emergency services, and I think there are two important pillars in this bill that are being addressed: one is the respect for emergency services workers and the risk to their health and safety, and the other is the risk of injury and harm that comes from ramming and other attacks on our emergency services. We have a serious challenge in our state where Victoria Police men and women are suffering from injury and mental ill health at alarming rates. Just in a recent *Herald Sun* article this week we heard that mental stress and injury cost 72 000 police shifts in the last year, and it is a massive escalation.

Police ramming risks the lives of our police men and women, puts them in harm's way and puts them at greater risk. This adds to everything else that they have to confront in their jobs and in their work — from the trauma each and every day that they confront when they front up to a house or a community that is facing family violence, to the pressure that is on them when they front up to a road trauma incident and the extreme effects of violence and terrorism on our members. Just earlier this year with the Bourke Street tragedy we saw so many Victoria Police men and women who required extra support and extra care from the trauma they confronted in their investigations.

So this bill has those two key pillars: protecting our emergency services and punishing those that have flagrant disregard for our emergency services workers. The coalition come in here and talk about their bill and offer up their bill. Extraordinarily it did not cover all emergency services workers. In fact it was so underdone and so politicised — it went through no consultation — that it was all about the shadow Minister for Police grandstanding and trying to

politicise this area of policing. That is not what this government is about. This government is about getting long-term reforms in place on which it has consulted with the Police Association Victoria and on which we work together to get the best outcomes.

An example of that was earlier this year when we took away the politics in police resourcing, looked towards areas of growth and areas of pressure and said we would base that investment on need and population growth. This was a landmark step for our government to give certainty for Victorians that they would be properly protected. That is an example of our commitment to support our emergency services and our workers, as is this bill with the punishment that is being brought in — the 20-year maximum imprisonment — and also the punishment for recklessly exposing an emergency worker, custodial officer or youth justice worker to risk by driving and damaging an emergency services vehicle. Some of those maximum penalties that are being brought in send a strong message that we will not accept under any circumstances the blatant disregard for our emergency services workers, who put their lives on the line each and every day to protect our community and keep members safe.

This has been through extensive consultation. I note that the police association is on the record as supporting this. After many months of engagement, consultation and work they are now on the record as supporting this, and there has been an extraordinary increase in police rammings that we have seen just in the last financial year. I think the member for Essendon touched on it — a significant increase. I think it has been an 80-instance increase over the last financial year, which is just truly extraordinary. So this is an example again of the Andrews Labor government putting the needs and safety of emergency services workers first in protecting them.

We have seen that as well with our paramedics. We have seen the trial rolled out of body-worn cameras to protect those emergency services workers, who are attacked each and every day when they are putting their lives on the line for others to protect their community. Those opposite might try to claim credit for various things. They were well off the mark on these bills, with the lack of consultation that has gone on, rushing to get a cheap political point. It shows that they are not capable of making the tough decisions, doing things right and doing things for the longer term.

Business interrupted under sessional orders.

**QUESTIONS WITHOUT NOTICE and
MINISTERS STATEMENTS**

**Country Fire Authority gender diversity and
inclusion**

Ms KEALY (Lowan) (11:01) — My question is to the Premier. The Country Fire Authority (CFA) gender and diversity report has provided evidence of many women involved with our fire services who were too scared to speak out against United Firefighters Union (UFU) bullying, fearing they would lose their career over it. Last night another woman who stood up to the UFU, the member for Brunswick, lost her career after reporting UFU bullying. As the leader of the government, what do you have to say to your colleagues and to Victorians as a whole, now that you have personally bullied the member for Brunswick out of the ministry and out of Parliament simply because she did not agree with you about smashing up the CFA?

Mr ANDREWS (Premier) (11:02) — I thank the member for Lowan for her question, and I reject the assertions contained within it. What I would simply say to the member for Lowan is that political contests of all kinds are often very difficult. I would have thought, for instance, that the failed Liberal candidate for Yan Yean would know that. It is very difficult. The Leader of the Liberal Party in the Legislative Council, for instance, would have a unique personal perspective. She is not in the seat she wanted.

Ms Kealy — On a point of order, Speaker, the Premier has deviated from the question put. Furthermore, the Premier is trivialising a very, very important matter about sexual harassment of women within the UFU and women being scared to speak out and losing their career over it. I ask you to bring the Premier back to the matter put and that he treat it with the seriousness that it deserves.

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

Mr ANDREWS — I reject the assertions in the question. Not for a moment should anybody interpret that as the government having anything other than a steely resolve to deal with cultural issues in the CFA. I would refer the member for Lowan to detailed and comprehensive answers I have provided at other times in this place, listing and cataloguing all the different steps we are taking to achieve a far better culture, a far safer culture, in the CFA. I was reflecting upon the fact that political contests of all kinds can sometimes be very difficult, and this is no different at all. I would

again reject the assertions made by the member for Lowan. They have no basis in fact whatsoever.

Supplementary question

Ms KEALY (Lowan) (11:04) — Premier, you have previously said that the standard you walk by is the standard you accept. Why have you walked by, accepted and even led the bullying of strong women like the member for Brunswick and Lucinda Nolan? Do you actually take pride in the manner in which you have conducted yourself by personally bullying these women out of their jobs?

Honourable members interjecting.

The SPEAKER — Order! The member for Footscray is warned.

Mr ANDREWS (Premier) (11:05) — I again thank the member for Lowan for her supplementary question and I again reject each and every one of the assertions made within it.

**Ministers statements: Camps, Sports and
Excursions Fund**

Mr MERLINO (Minister for Education) (11:05) — I rise to update the house that there are now 214 000 students across Victoria benefiting from the Andrews Labor government's Camps, Sports and Excursions Fund. This Camps, Sports and Excursions Fund ensures that all students can participate in school trips, camps and sporting activities. When we came into office there was no Camps, Sports and Excursions Fund. There was no education maintenance allowance (EMA). There was no support for vulnerable students and their families to participate in these activities.

I remind the house of the situation at Kennington Primary School in Bendigo as outlined in their newsletter in a message from the principal:

For all parents, I would like to make it clear that from 2013, all purchases (books, camps, excursions ...) will now be the sole responsibility of the parents.

School council has discussed the implications of the EMA changes ... As a result some adjustments to programs have been made ...

They include:

No swimming program

No overnight camp — grade 3.

That was the harsh reality for schools across the state. In 2013 the EMA was cut from schools. In 2014 the EMA was cut from parents and abandoned altogether. Schools

are not forced to include these kinds of messages in their newsletters anymore and nor should they be. We made a decision to undo the Liberal Party's cruel cuts. We made a decision not to undergo a commission of audit to justify swinging cuts through education. What we are doing is implementing the Camps, Sports and Excursions Fund; breakfast clubs at 500 schools — 25 000 students. At 100 secondary schools we are providing students with access to GPs. We have increased equity funding by 70 per cent. That is what an Andrews Labor government is doing in education.

Battery storage technology

Mr SOUTHWICK (Caulfield) (11:07) — My question is to the Minister for Energy, Environment and Climate Change. Earlier this year the government used celebrity environmentalist Al Gore to announce that \$25 million would be awarded to support large-scale battery storage consisting of two 20-megawatt batteries to be fully deployed by January 2018, providing storage capacity of at least 100 megawatt hours. Given we are just six weeks away from the due date for these batteries to be up and running, who has been awarded the tender, Minister, and where are these batteries being installed?

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) (11:08) — I thank the member for Caulfield for his question. We stand by our original time line to have these fantastic new battery storage devices deployed in 2018. The department is seeking, of course, to have these deployed at the earliest possible opportunity to test the market, which is what they are required to do. They are still undertaking the negotiations.

Supplementary question

Mr SOUTHWICK (Caulfield) (11:09) — My supplementary question is to the minister. Given that the government's press release actually says that these batteries will be fully deployed by January 2018 — not by 2018 — and that it is unlikely that these batteries will be operational in six weeks time as promised, isn't it a fact that Victorians will not be getting this battery storage power but instead will be getting back-up from dirty diesel generators?

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) (11:10) — I thank the member for Caulfield for the supplementary question. We have been very clear about this. We have been very clear about having this record investment for new energy technologies deployed in 2018. As I said earlier, we are absolutely committed to

having this done. The department is on its way in working through commercial negotiations and we will have something to say about this very shortly. But let me be also very clear —

Mr Southwick — On a point of order, Speaker, I ask you to bring the minister back to answering the question. The question was: isn't it a fact that what the minister said was that these batteries will not be ready at all? It was just a media stunt using Al Gore to dream up another big idea that was never, ever going to happen in the first place. Now, as a result of these batteries not being ready by January 2018 as promised by the minister, in fact over January we will be reliant on diesel generators — dirty diesel generators that this government will be deploying.

The SPEAKER — Order! The member for Caulfield has asked his question. I do not uphold the point of order.

Ms D'AMBROSIO — We do not take lectures from so-called professors on the other side, because the fact is we have been very clear that these battery technologies will be deployed in 2018. Our department is working through negotiating the final settlement of these. Importantly we do not take lessons from those people who actually do not support any new energy technologies and new energy supplies coming into the market.

Ministers statements: employment initiatives

Mr CARROLL (Minister for Industry and Employment) (11:12) — The worst thing you can do as a government is have a strategy of cutting jobs. It gives a very clear message to the private sector that cutting jobs is what you should do. As a government you have to deal with the crises you face, and after a four-year public holiday from those on the other side, we inherited a crisis. With the ambulance service, we have record numbers of paramedics now, and we have record police numbers now through the Minister for Police.

The Minister for Education and Deputy Premier just spoke about the crisis in education —

Mr Clark — On a point of order, Speaker, I draw your attention to sessional orders that require a ministers statement to relate to matters concerning the minister's portfolio. So far the minister has roamed far and wide but has not actually commenced making a ministers statement regarding his portfolio. I ask you to bring him back to doing so.

The SPEAKER — Order! The minister is being relevant to his portfolio.

Mr CARROLL — Great tutelage from the former industrial relations minister, the man responsible for the sustainable government initiative. As the Deputy Premier said on education, we had to bring the door in from Essendon Keilor College to the member for Nepean, who is absent today and was absent for four years. But, Speaker, we believe the role of government —

Mr Clark — On a point of order, Speaker, the minister is continuing to stray from sessional orders and is commencing to debate the issue. I ask you to bring him back to compliance.

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

Mr CARROLL — Thank you, Speaker. I always appreciate advice from Baseline Bob. In 2015 we did a review of our employment programs, and we found a very direct role for the state government. The Andrews Labor government is rewriting the rule book on the state government's role in employment. Our Jobs Victoria Employment Network has put 2300 people into jobs, including people from disadvantaged communities and people from backgrounds of family violence. People that need a job are getting their first start and living a life of purpose thanks to the Andrews Labor government.

Those opposite commissioned an audit, which is nothing more than putting people on the chopping block. In three years what have they done? They have had one job initiative and you see exhibit A right there — the 25 of them. The only bloke who has not got a job is the member for Burwood, the number one draft pick.

Mr Clark — On a point of order, Speaker, the minister is defying your previous ruling and debating the issue. I ask you to bring him back to making a ministers statement.

The SPEAKER — Order! The minister has 16 seconds remaining. I ask him to use that time to make a ministers statement.

Mr CARROLL — We learned on the weekend that the Leader of the Opposition loves the environment. Well, their sustainable government initiative had nothing to do with the environment. It was nothing but a euphemism for job cuts. If they get back into power, there will be nothing but a Liberal Party chopping block. The Andrews Labor government puts people first. They put their Liberal mates first.

Member for Melton

Mr GUY (Leader of the Opposition) (11:15) — My question is to the Premier. On Tuesday the Special Minister of State confirmed in writing that the Australian Electoral Commission and the Victorian Electoral Commission are conducting independent investigations into the eligibility of the member for Melton to sit in this chamber under section 44 of Victoria's constitution and section 22 of the Victorian Electoral Act 2002. Premier, are you confident that Mr Nardella holds his place in this chamber lawfully?

Mr ANDREWS (Premier) (11:16) — I do thank the Leader of the Opposition for his question. The question seeks an opinion from me. In terms of the question itself, the question itself indicates that there is an Australian Electoral Commission process and a Victorian Electoral Commission process. That is something that was already confirmed before you got up and asked your question. That is not a matter for any politician in this place to adjudicate on; it is a matter for the commission. So yet again we have a policy announcement from the Leader of the Opposition. He wants the government of the day to determine eligibility to run for office; he wants the government of the day to determine whether expenses have been used properly. Another day and another ridiculous policy announcement from this ridiculous excuse for a leader.

Honourable members interjecting.

The SPEAKER — Order! The member for South-West Coast will stop shouting across the chamber.

Supplementary question

Mr GUY (Leader of the Opposition) (11:17) — Section 44 of the Victorian Constitution Act 1975 provides that a person is only eligible to be elected to Parliament if they are on the electoral roll. Section 22 of the Victorian Electoral Act provides that a person is only entitled to be on the roll at their principal place of residence and after having actually lived there for one month. Premier, have you satisfied yourself that at the time of the 2014 election the members for Tarnait and Melton were correctly enrolled and thus validly elected?

Honourable members interjecting.

The SPEAKER — Order! When the house comes to order. The member for Warrandyte is warned.

Mr ANDREWS (Premier) (11:18) — I would direct the Leader of the Opposition to my answer to his principal question. Those who adjudicate these matters

and would need to be satisfied of them are, as he has indicated, the Victorian Electoral Commission and the Australian Electoral Commission. That is not a matter, might I say with respect, for the Leader of the Opposition or any other member of this place. It would be a pretty strange sort of electoral system if it was actually adjudicated on by its participants.

Ministers statements: employment initiatives

Mr PALLAS (Treasurer) (11:18) — I rise to update the house on the outstanding work of the Victorian public service and how it is creating jobs and helping grow the Victorian economy. As we know Victoria is the best performing of all the states: state final demand grew by 4.7 per cent, nearly twice the national average; we have created 280 000 jobs since we were elected; we have a AAA-rated economy; and we have a strong surplus of \$2.7 billion. So it is no surprise that yesterday the Auditor-General indicated that Victoria’s budget is operating sustainably and Victoria is well-positioned financially.

How did we achieve this? Well, it does not take a pet shop galah or an adjunct professor to know the answer. We have invested in the services people need. We are building the infrastructure today that we are going to need for tomorrow, and of course, we have restored confidence back in the public service. That means we have also restored confidence in our economy. We have the highest level of consumer confidence on the mainland.

While we have built confidence and restored jobs and services, those opposite took an axe to the public service. They cut services, they reduced infrastructure and of course they reduced infrastructure investment to a mere trickle. Compare that to the ongoing investment that we are making to schools, to hospitals, to our TAFE system, to our paramedics and to our police. The contrast could not be more stark. Indiscriminate cuts to the public service are mean-spirited, and they never get the right outcome. They are a blunt tool, much like the member for Malvern. While we restore services and grow jobs, those opposite will keep slashing.

Growing Suburbs Fund

Mr NARDELLA (Melton) (11:20) — My question is to the Minister for Local Government. I ask the minister to update the house on the suburban growth fund and the jobs that have been created with —

Honourable members interjecting.

The SPEAKER — Order! I will not have a member in this place shouted down. I will remove members from the chamber without warning.

Mr NARDELLA — Thank you, Speaker. I ask the Minister for Local Government to update the house on the suburban growth fund and the jobs that have been created with these projects.

Ms KAIROUZ (Minister for Local Government) (11:21) — I would like to thank the member for Melton for his question. The Andrews Labor government has spent two years putting people first in the outer suburbs —

Mr T. Smith interjected.

The SPEAKER — The member for Kew is warned.

Ms KAIROUZ — by spending \$100 million on parks, on pathways, on community centres, on child care, on sporting facilities, on playgrounds and on main streets. We will continue this investment in our outer suburbs by seeing another \$50 million contributed to the Growing Suburbs Fund (GSF), a fund conceived by this government for supporting our growing suburbs, unlike those opposite who were never interested at all in helping families in the outer suburbs.

Over the past two years 76 successful projects have been announced and over 25 have been completed. The 2017–19 Growing Suburbs Fund closed to applications on 10 August this year, and I am pleased to advise the member that 68 applications have been received seeking GSF funding towards a total project cost of \$252.8 million. According to councils, the total project investment will potentially deliver 2448 jobs during construction and operation. So following a rigorous assessment process conducted by my department, I look forward to announcing the successful projects before the end of this year.

Supplementary question

Mr NARDELLA (Melton) (11:23) — Further, can the minister update the house on the projects in the City of Melton, which we both share as electorates?

Honourable members interjecting.

The SPEAKER — Order! I have already warned members. The member for Gembrook will assist the running of the house.

Ms KAIROUZ (Minister for Local Government) (11:23) — I would like to thank the member again for his question. As a very proud member in Melbourne’s

local west as well, I am proud that Melton City Council has received \$10.7 million under the Growing Suburbs Fund to date. This funding has gone towards nine key projects for the Melton community, which include community centres; play spaces; park upgrades; the Caroline Springs Leisure Centre extension, a project that is currently being constructed; and the Melton Botanic Trail. Five of the nine projects are already finished, and two more are due for completion before the end of 2018. So we are a government that gets on with the job of providing vital infrastructure projects for our growing suburbs, and I look forward to announcing the next round of successful Melton projects before the end of the year. I would also like to take this opportunity to thank the member for Melton for his strong advocacy on behalf of the City of Melton.

Ministers statements: Victoria Police

Ms NEVILLE (Minister for Police) (11:24) — I wanted today to provide some additional updates on the great work that our Victoria Police specialist teams are doing, particularly in relation to our forensic teams. We have increased funding and staffing numbers, and this has been absolutely critical in being able to see Victoria Police effectively analyse critical evidence. It has actually seen Victoria Police being able to eliminate historical backlogs in fingerprinting and DNA. It has also seen a reduction in the time needed to process volume crime — in fact a 40 per cent reduction in the number of days to process forensic evidence. What a great outcome. Not only do we have an additional 630 police on the streets right now since we came to government, as well as 200 more protective services officers and 350 police custody officers, but we also have 500 additional specialist staff in our Victoria Police. These are absolutely critical.

But according to some, apparently these are people who are bloating our public service — people who were formerly subject to major cuts. There were 400 specialist staff cut from Victoria Police as well as cuts to the budget. And what we saw as a result of those cuts was that Victoria was less safe. That is why the crime rate went up 21 per cent during the four years of the previous government. That is why the Police Association of New South Wales recently in the *Australian* pointed to Victoria as the leading light and called on the New South Wales government to follow our lead. That is what the Police Association of New South Wales called on the New South Wales government to do. So those opposite are making it easier for organised crime to sit at their tables, eat dinner and get away with things, and they are going to make it much harder for Victoria Police to disrupt crime as well.

Energy security

Mr GUY (Leader of the Opposition) (11:26) — My question is the Premier. Premier, the biggest loss of life in Australian peacetime history occurred in January 2009, when 374 Victorians tragically died from heat-related causes not associated with bushfires, as you know, at a time when you were the Minister for Health. Research by Associate Professor Adrian Barnett of the faculty of health at the Queensland University of Technology on surviving the heatwaves predicted for this summer concludes, ‘Staying in air conditioning is the best way to reduce your risk’. Has the emergency management commissioner, Craig Lapsley, advised the government that the greatest concern for this summer is not weather or bushfire but in fact a failure of utilities, which tragically could lead to further mass loss of lives?

Mr ANDREWS (Premier) (11:27) — I thank the Leader of the Opposition for his question. The securities and emergency management committee of cabinet meets regularly and has received early briefings about the fact that this will be, as I think is now common knowledge, a long, hot, dry and dangerous summer from a number of different points. The Leader of the Opposition is right to point not to just fire, which is obviously a very significant risk, but also heat. He is right to point to the fact that we had some very, very challenging and indeed tragic circumstances some years ago when I know only too well as the health minister at the time, together with colleagues, we sought not only to support people during that heatwave but to learn from that and to put in place new systems and processes.

I can recall, for instance, by way of an example — and I will come to the issue about advice in a moment — my honourable friend the then minister for housing, the member for Richmond, instituted at that time, and indeed in the months and seasons after, a process to check in on vulnerable residents across our public housing stock. I think all of us, regardless of political persuasion, can be proud of the fact that some reform, some change, some improvement came out of that terrible, tragic heat wave.

But there is of course more that has to be done, and that is why we have received advice, the exact nature of which I do not think accords with what the Leader of the Opposition has put to me, but I am happy to go and check that. We have had a number of reports from Commissioner Lapsley and others about the upcoming season and the challenge that that will pose in lots of different ways. Heat and its effect on vulnerable Victorians, particularly those who have underlying health issues, is a matter that is taken very seriously by

the commissioner, very seriously by the cabinet committee to which he reports, and very seriously by not simply the Minister for Emergency Services but also the Minister for Health, the Minister for Families and Children in the other place and the Minister for Housing, Disability and Ageing.

What might be best, given that this ought not be a debate about politics — this is about protecting often the most vulnerable in our Victorian community — is I am more than happy to have the commissioner brief the opposition leader or whoever he nominates on this issue. There is no doubt this will be a long, hot, dry and challenging summer, not just from fire but also from other challenges, and heat and its effect on vulnerable Victorians is a very important part of that.

Supplementary question

Mr GUY (Leader of the Opposition) (11:29) — In view of Commissioner Lapsley advising the government that the greatest concern is utility failure, Premier, will you guarantee Victoria's energy supply over this coming summer so that a disaster on the scale of what occurred in 2009 never happens again?

Mr ANDREWS (Premier) (11:30) — I might suggest to the Leader of the Opposition that it is not for him nor me to speak for Commissioner Lapsley. I am happy to arrange a briefing where the commissioner can take the Leader of the Opposition through the advice he has or has not provided.

Honourable members interjecting.

Mr ANDREWS — There is no debate here; this is a serious issue, absolutely.

Mr Guy — On a point of order, Speaker, I accept the Premier is referring to the substantive point of the question, but I did ask around guaranteeing energy supply in my supplementary, and I ask if the Premier can be drawn back to answering around electricity and utility supply rather than the substantive point of the question, which was around Craig Lapsley's advice.

Mr ANDREWS — On the point of order, again, there is no need to quarrel about these matters, but to be clear —

Honourable members interjecting.

Mr ANDREWS — Well, on the point of order raised by the Leader of the Opposition, I would respond simply by saying that at the beginning of the supplementary question there was an assertion that somehow the Leader of the Opposition was essentially

speaking for Commissioner Lapsley. I do not think that is appropriate, I do not accept that, and I am putting a contrary view. We will resolve that matter by affording and facilitating a briefing for the Leader of the Opposition rather than necessarily taking his word on these things.

The SPEAKER — Order! The Premier is entitled to address the beginning of the question, which referred to comments or the suggestion of comments by Mr Lapsley, but the substantive question was about the guarantee of energy supply, and I ask the Premier to answer the question.

Mr ANDREWS — As I was saying, Speaker, I am more than happy to arrange a briefing from Commissioner Lapsley on those matters and further to provide a briefing to the Leader of the Opposition and any of his colleagues who seem interested in the facts of these matters on various steps the government is taking in partnership with the National Energy Market Operator to secure supply for the coming summer.

Ministers statements: public transport infrastructure

Ms ALLAN (Minister for Public Transport) (11:32) — I am very pleased to update the house on our job-creating public transport infrastructure agenda. Whether it is the Metro Tunnel, removing 50 dangerous, congested level crossings, building the new high-capacity metro train or delivering regional rail revival, these are great projects that we are delivering.

I ask, Speaker: why can we do this? Why have we gotten such a fast start on these projects? Why are we delivering these projects? Because we know the value of investing in people to help us to get this job done. We know the value of securing jobs. That is why we have a pipeline of infrastructure investment and that is why we are supporting people, whether they are engineers or transport planners or track and signal technicians. You can go to the Metro Tunnel jobs web page and see there are all these sorts of jobs there available for Victorians. I am proud of our programs, like the major project skills guarantee program and the strengthening industry participation and local content policies.

There is a different way you can do things. You can not deliver projects you committed to, you can not deliver projects like an airport rail link, a rail line to Doncaster or a rail line to Rowville. You can not order new trains. There is a different way of doing things. You could cut thousands of public sector jobs — jobs of the very sorts of people that work on these sorts of projects. It is no

wonder that those opposite did not lay 1 single metre of rail line in the metropolitan network.

Mr Clark — On a point of order, Speaker, the minister is now debating the issue. I ask you to bring her back to compliance with sessional orders.

The SPEAKER — Order! The minister did just stray from making her ministers statement. I ask her to come back to making her ministers statement.

Ms ALLAN — Well, Speaker, we are certainly laying lots of track across metropolitan Melbourne and across regional Victoria. As I said, we are taking a different approach. We are not sacking the very people — those technical experts and engineers — that work on these projects. We are not sacking those people like those opposite did. We are employing them. We are putting them to work, and we are delivering a record investment in public transport infrastructure that those opposite never even dreamed of delivering.

Mr Walsh — On a point of order, Speaker, I seek your guidance on the etiquette of the house in relation to members who are ill and absent. I refer particularly to the ministers statement from the member for Niddrie, the work experience minister, where he took a cheap shot at the member for Nepean who is absent because he has gastro. Now this side of the house grants pairs all the time for members, particularly ministers, on the other side who are absent for a whole range of reasons without ever questioning those. We have not questioned the fact that the member for Brunswick is ill and is away today. I think the member for Niddrie needs to be counselled on how he actually carries out his duties as a minister and how he talks about members —

Honourable members interjecting.

The SPEAKER — Order! Members on my right will come to order. The member for Frankston is warned.

Mr Walsh — and before he takes a cheap shot on seeing a vacant seat he might like to check with the whip or the manager of opposition business as to why a member is absent. I think having gastro is a very good reason to be absent, and the minister should take note of that.

The SPEAKER — I am advised we are not aware of any rulings in relation to this matter or standing orders that cover this matter. It is a matter for individual members to check their own conduct. I am sure that the point that the Leader of The Nationals has made in the house will be taken on board by the minister.

Mr Watt — On a further point of order, Speaker, in regard to question on notice 13 257. I did receive an answer but under sessional order 9(1) answers to questions must be direct, factual, succinct and relevant. Not once did the minister in her answer refer to the person I referred to in the question on notice. She talked about a constituent of mine. The person I referred to is not a constituent of mine. The minister certainly did not answer the question. I ask that you have a look at her answer and reinstate the question. I would expect that the minister should be providing an answer to the question I asked rather than something which is completely irrelevant.

The SPEAKER — I will review the question and the answer and report back to the member.

Mr Watt — On a further point of order, Speaker, I refer to question on notice 13 258. As today marks 30 days since I asked the question and I have not received an answer, I ask that you chase up that answer for me.

The SPEAKER — We will follow that matter up as well.

Mr Watt — I raise another point of order with regard to question on notice 13 256. I note that today is 30 days since I asked the question, and I would ask that you chase up an answer from the minister.

The SPEAKER — I will do that. Member for Burwood, if you have a number of questions on notice, you may wish to assist with the smooth running of the house by raising them as one point of order.

Mr Watt — With regard to 13 255, 13 254, 13 253, 13 252, 13 251, 13 250, 13 249, 13 248, 13 247, 13 246, 13 245, 13 244, 13 243, 13 242, 13 241, 13 240, 13 239, 13 238, 13 237, 13 236, 13 235, 13 234, 13 232, 13 231, 13 230, 13 229, 13 228, 13 227, 13 226, 13 225, 13 224, 13 223, 13 222, 13 221, 13 220, 13 219, 13 218 — and you will be glad to know that is all of the questions I have that are not answered — I would ask you to chase up and get an answer from the relevant ministers for those questions.

The SPEAKER — We will endeavour to get answers to those questions for the member.

CONSTITUENCY QUESTIONS

Croydon electorate

Mr HODGETT (Croydon) (11:39) — (13 614) It is good to be here for my constituency question, and my constituency question is to the Minister for Health. I

raised a members statement on 19 March 2015 and an adjournment matter on 11 November 2015 relating to the patch of land reserved for an ambulance station in Mooroolbark. I was advised by the minister that in 2015–16 \$20 million had been committed to modernising and upgrading ambulance branches across the state.

Mooroolbark and the surrounding suburbs are still without an ambulance station. This puts lives at risk, with increased response times to critical emergencies as well as stretching the resources from other stations. The constituents in my electorate are asking when the currently overgrown, neglected pocket of land located at the five-way roundabout on Lincoln Road, Mooroolbark, will finally become the long-awaited ambulance station that it was intended to be when the land was purchased in 2012. When will Mooroolbark get its long-awaited, much-needed ambulance station?

Dandenong electorate

Ms WILLIAMS (Dandenong) (11:40) — (13 615) My constituency question is to the Minister for Training and Skills in the other place, and I ask: how will the additional funding for the Skills First Reconnect program help young people in Dandenong access the education and training they need to get a job? Today I was delighted to announce that the Brotherhood of St Laurence will receive \$584 000 and the TaskForce Community Agency will receive \$385 000 to deliver the Skills First Reconnect program across Greater Dandenong, Casey and Cardinia. Dandenong is a strong and proud community, but we also have disproportionately high levels of unemployment. However, I note recent statistics show there has been a significant improvement in the local employment rate under this government. I am delighted to see additional funding for a program targeting positive employment outcomes for young people, and I am keen to learn more about its operation.

Lowan electorate

Ms KEALY (Lowan) (11:41) — (13 616) My constituency question is to the Minister for Public Transport, and it is good to see her in the chamber at the moment. The *Grampians and Barwon South West Region Passenger Services Cost and Feasibility Study* recommended a business case and costings to investigate the return of passenger rail to western Victoria. As of 10 a.m. today, the Victorian government had not yet approached the federal government for funding support for this important project, even though a federal funding pool is available. Minister, why haven't you supported the eight councils and many

locals that support this plan and presented this important project to the federal government?

Essendon electorate

Mr PEARSON (Essendon) (11:41) — (13 617) I direct my constituency question to the Minister for Education, and the question I ask is: what is the latest information about the success of the doctors in schools program, which is currently being run out of the Mount Alexander College in Flemington?

Malvern electorate

Mr M. O'BRIEN (Malvern) (11:41) — (13 618) I ask the Minister for Police: when will Victoria Police take action regarding the repeated breaching of road rule 128 at the intersection of Burke Road and Malvern Road in Glen Iris? During peak times traffic in this area is often held up by motorists who block the intersection for vehicles travelling north along Burke Road. Vehicles turning left from Malvern Road into Burke Road, wanting to move into the outbound access lane for the Monash Freeway, regularly move into the intersection without there being room in the lane they wish to enter. On a change of lights this causes a line of traffic to block the intersection, causing delay to many vehicles, particularly those travelling north along Burke Road. These delays are undermining the benefits of the Burke Road level crossing removal, a project fully funded by the former coalition government. Minister, given the Minister for Roads and Road Safety has washed his hands of any responsibility, I ask you: when will Victoria Police step up to ensure this problem receives the attention it deserves?

Eltham electorate

Ms WARD (Eltham) (11:42) — (13 619) My question is to the Attorney-General, and will also affect you, Speaker, as well as the member for Yan Yean, as I know you both have a keen interest in this. My community is still mourning the loss of one of our own: beautiful 19-year-old Pat Cronin, who was killed last April. His killer was jailed last week for eight years, with a minimum of five years. Understandably there remains a lot of grief, hurt and anger regarding this coward punch and the fact that the legislation developed in 2014 around this crime has not been strong enough to include men such as Pat's killer.

This weekend my community will gather for the Walk to the Valley fundraising walk with the Pat Cronin Foundation, who are working hard to stop the coward punch and prevent the senseless violence that caused Pat's death. This government needs to work hard too.

My community is being positive and proactive. They want this violence to stop. Victoria's one-punch law is not strong enough. Attorney-General: what will the Andrews government do to strengthen this law?

Morwell electorate

Mr NORTHE (Morwell) (11:43) — (13 620) My constituency question is to the Minister for Industry and Employment. Minister, what is the latest information with respect to the possible closure of Quality Motorcycle Training (QMT) in Newborough? QMT has only been established since April 2016 but has filled a very important market in Gippsland when Driver Education Centre of Australia (DECA) decided to cease operating its motorcycle training operations in the region. QMT subsequently entered into a land lease arrangement with Wodonga TAFE and DECA to the end of September 2017 so that motorcycle training could continue, and since that time more than 350 learner permits have been issued.

However, Wodonga TAFE and DECA have now entered into a lease arrangement with a different entity on its Newborough site, therefore leaving QMT without a home. QMT do not have the financial capacity to establish a new home elsewhere, so the reality is this new but successful business will close shortly unless a resolution is found. If closed, approximately four jobs will be lost, along with a critically important service to motorbike riders in the region.

Bentleigh electorate

Mr STAIKOS (Bentleigh) (11:44) — (13 621) My question is to the Minister for Industry and Employment. Minister, how many trainees, apprentices and cadets are employed on the \$30 million redevelopment of Moorabbin reserve, which will be the home of St Kilda Football Club, the Southern Football Netball League and the South Metro Junior Football League?

South Barwon electorate

Mr KATOS (South Barwon) (11:44) — (13 622) My question is for the Minister for Education. When will the Armstrong Creek West primary school be constructed and opened for students? This was an election commitment made by the Labor Party in 2014, and funding was allocated in last year's budget, but land has yet to be acquired in Unity Drive, Armstrong Creek, for the purpose of constructing this school. To rub salt into the wound of the local Armstrong Creek community, a member for Western Victoria Region, Ms Tierney, in the other place, was quoted on 5 May last year in the *Armstrong Creek Times*:

Member for Western Victoria Gayle Tierney said the school was expected to open in about 18 months and would be a welcome addition to the development.

Eighteen months is actually now. We do not have a school; the land has not even been purchased. This is a broken promise from the government, and I would like the minister to tell that community when that school will be constructed and open for students.

Mordialloc electorate

Mr RICHARDSON (Mordialloc) (11:45) — (13 623) My constituency question is to the Minister for Education, and I ask the minister: when will construction commence for St Brigid's School in the suburb of Mordialloc, following the Andrews Labor government's \$1.75 million commitment? Of course it was only a few short weeks ago that the Victorian Labor government announced that St Brigid's School would receive \$1.75 million, combining with the Catholic Education Office's commitment of \$1 million to deliver new classrooms and new buildings for this wonderful school. With 280 students now, a number which is continuing to grow, this will give them the capacity for the future. I place on record my appreciation for this incredible school community and thank principal Michael Russo for all his work and his dedication to this project. It has been a community effort with consultation throughout with parents and the school council. It has been an amazing journey, and I place on record my appreciation to everyone who has contributed to this project.

CRIMES LEGISLATION AMENDMENT (PROTECTION OF EMERGENCY WORKERS AND OTHERS) BILL 2017

Second reading

Debate resumed.

Mr RICHARDSON (Mordialloc) (11:47) — Before question time interrupted my contribution, I was talking about some of the challenges that are faced by our emergency services workers. I was also talking about the recently announced trial of body-worn cameras for paramedics to better protect them. No-one who, in their line of work, is out protecting our community and servicing our community to keep them safe and secure should face this kind of violence in the workplace. It is a serious problem that we face and a serious epidemic facing our communities.

The crimes legislation amendment bill before us today is the government getting consultation right and taking the time to ensure that there are no gaps, that it consults with

relevant stakeholders and that it keeps our emergency services protected. That is what the bill is all about. More than 13 000 Victorian policemen and women put themselves in harm's way each and every day to keep our community safe and to protect life and property.

I have had the profound honour of representing my community at police services commemorating lost policemen and women. They are really confronting days, similar in significance to some of the commemoration days for our veteran men and women — people who are killed in the line of their work. When talking about ramming of vehicles, we are talking about people having complete disregard for life and property and the trauma that flows on from their actions if members of the police force are injured or suffer mental health issues in the workplace.

Earlier today I was talking about that toll, and especially the mental health toll. We really need to do more work in this space to protect all our emergency services personnel and to better understand trauma. We have had police officers who have been physically injured, but what about the mental ill health trauma and toll that is inflicted as well? An article published this week in the *Herald Sun* states:

The colossal loss of days is the equivalent of more than 350 full-time Victoria Police members off the job and on WorkCover for the year.

I was a bit concerned coming into Parliament on Tuesday. There was a debate on Neil Mitchell's 3AW *Mornings* radio program. What really troubled me about that debate was the question that was put forward: are our emergency services soft or weak? It was really confronting. I think a lot of callers would have been angered at that time, because that is the deep-seated stigmatisation that we are dealing with in emergency services. That is the wrong approach, and that is a damaging pathway to take. In the bayside area we have had examples of horrific self-harm that has seen the loss of life of policemen and women. There have been tragic incidents. You wonder if we had better support for mental health whether that loss of life and that injury could have been avoided.

The question posed on 3AW is completely the wrong approach. To hear that kind of stuff takes us back many decades. I am sure the Minister for Police and her team would be denouncing some of those comments, because that is not the approach of the Police Association Victoria. That is not the approach the community takes to mental ill health or to depression. That is completely the wrong approach. It is okay to step out and to get that support because you will be back on the job sooner. Those issues will not then

become long-form, systemic mental ill-health challenges that might render you unable to work again.

This bill is very important, both for deterrence and for protecting policemen and women physically and mentally. I think it is a great initiative, and I commend the bill to the house.

Mr HIBBINS (Pahran) (11:51) — I rise to speak on behalf of the Greens on the Crimes Legislation Amendment (Protection of Emergency Workers and Others) Bill 2017. I understand the intent of this bill is to address the increase in the ramming of police cars. I have a lot of respect for the police and the work they do, particularly in my area. It is very tough work and often very sensitive work. They do a really good job.

Again, the government has introduced a bill with mandatory sentencing. Mandatory sentencing does not work. The government knows mandatory sentencing does not work. In fact there are some major issues with mandatory sentencing that undermine the effectiveness of the entire justice system. This is an example of the opposition, to their credit, setting the agenda in terms of justice legislation in this state. The government is following what they are putting up. It is an approach I fundamentally disagree with. It is an approach that is going to result in more crime, more repeat offenders, higher incarceration rates, more money spent on prisons and less money spent on crime prevention.

If we look at what is contained in the bill, we see that it creates new sentences for ramming emergency services vehicles and for injuring emergency services workers. Of course these actions are already against the law, so we are essentially adding to the statute book an offence that is already an offence. Certainly I do not think any criminal engages in ramming a police car without the knowledge that it is against the law.

Aside from simply adding to the statute book an offence that is already an offence, again our real issue is with mandatory sentencing — an approach that the Greens and others in the justice system fundamentally disagree with. Ramming a police car or injuring a police officer is already an aggravating offence when it comes to sentencing, and so it should be. But mandatory sentencing does not reduce crime. It does not prevent reoffending. It affects marginalised and Indigenous communities and really extends that cycle of long-term incarceration and crime by taking away the discretion of the judiciary to look at both the aggravating and mitigating factors in sentencing.

In her second-reading speech the Minister for Police said:

The government shares the concerns of police officers when offences involving violent behaviour towards police are the subject of plea deals by police prosecutors. If an offender intentionally or recklessly exposes an emergency worker to risk to safety by driving and the offence is committed in certain aggravating circumstances, the offender should go to prison.

I do not think anyone would disagree with the sentiment, particularly of that last statement, but ultimately those decisions should be made by the judiciary.

In regard to plea deals, when we legislate against them to try to make sure that they do not go ahead and there is a custodial sentence, the perverse outcome of that is that there is obviously more encouragement then for the offender to plead not guilty for it to go to trial, which again could lead to the offender not actually being charged. There is a propensity for the Director of Public Prosecutions or prosecutors to decide there is not actually sufficient evidence to bring that to trial, and it could result in offenders getting off. So there are actually perverse outcomes to putting that provision in legislation to try to stamp out plea deals.

Obviously we are concerned about the increase in police ramming, but mandatory sentencing simply is not the answer; in fact it makes matters worse. We need a change in approach to justice — one that is evidence-based and one that is effective. The government should not be simply following the opposition down the rabbit hole and mimicking their previous bills. What we need to do is ensure that the judiciary can —

Mr Pearson interjected.

Mr HIBBINS — I have still not recovered from the member for Essendon's craven defence of the pokies industry last sitting week. That was the most craven speech I have ever heard in this place. It was pathetic. I would suggest the member for Essendon keep his own counsel after his pathetic performance last week in terms of defending the pokies industry.

The fact is that we need to ensure that the judiciary have a punishment that fits the crime, taking into account aggravating factors such as injuring a police officer, and that they are able to make orders that will reduce the chances of reoffending. Mandatory sentencing is simply not the way to go. The Greens cannot support that.

Ms HALFPENNY (Thomastown) — I move:

That the debate be now adjourned.

Mr BATTIN (Gembrook) (11:57) — Speaking to the motion for adjournment, I cannot believe the government would want to adjourn such an important bill before this side of the house has had a proper chance to put our views on the record. The Crimes Legislation Amendment (Protection of Emergency Workers and Others) Bill 2017 was brought before the Parliament because of the issues we have seen in our community, such as the issue of the ramming of police vehicles. I actually was the next speaker on the list here and should have had an opportunity as a former police officer to stand up. I notice one of the members of the Greens had his opportunity to stand up and defend the criminals; give me the opportunity to stand up and defend the police officers who are sick and tired of rammed police vehicles out in the community while those criminals who ram the police cars get back on the street as quick as they can.

Let us go down to the streets of Dandenong. I was there from 2001 to 2003–04 when we had police cars rammed. We had police hanging out of vehicles. We had police hopping out of vehicles and criminals driving at them. I was there when we started the discussion around the pursuit policy. They were going to weaken the pursuit policy at the time, and the first thing that happened was that criminals started driving off. As soon as you start reducing sentences, as soon as you start making it easier for criminals, they react that way. It does not change from there. Their mentality is that if they can get away with it, they will. The Greens need to understand that.

To have the debate stopped now when we have had only one National and one Liberal speaker on this side and when, I understand, the Labor Party would have had only two speakers and the Greens one, is not fair. This debate needs to keep going. We have got many speakers on this side who want to get on the record and make sure that all Victorians are reminded that many parts of this legislation have come forward because the coalition has continued to be reported in the media as saying that police are sick and tired of the way they are treated out in the community. They are sick and tired of seeing criminals go through the justice system and get off so lightly. We cannot see that going on in the future. We need to make sure that we get an opportunity for the police to have their voices recorded in this place. We want to make sure that people are heard so that we can have mandatory sentencing. We want to make sure that people on our side are able to speak up on behalf of the community about what is happening out there.

We have seen so many police rammings, and it does not just happen in metropolitan Melbourne. We have seen them up in Ballarat, and I would like to see the

members for Ballarat get up and actually put on the record some of the concerns of their local police. We have seen it through Gippsland, and those local members need to get up and be given an opportunity to have a discussion about it. We have got the member for Mildura and the member for South-West Coast — crime is not restricted to just within Melbourne; it is all over Victoria. To stop the debate before these people get an opportunity to stand up and get on the record the messages they are getting from their stations and the messages they are getting from their local police is not good enough.

The shadow Minister for Police in the other house, Edward O'Donohue, has put forward some legislation in the upper house. It was voted on in the upper house and then came through to this house. Unfairly it was not debated. It was not even allowed to be given a first reading. And why was that? Because the government wanted to put a piece of legislation on the table so they could say, 'We own this. We're trying to be tough on crime'. If you were tough on crime, this would have happened more than three months ago, when our legislation was put forward in the upper house. Then we would have seen people from those recent car rammings going to jail for two years now, not like those ones who have been getting away with it in the last three months. They are still getting away with police car rammings in Victoria.

Police every day of the week go out there to protect us. Police without fail turn up to your homes — people in this house, people out in the community. They turn up to protect us. They walk around the streets in a whole different world to that of the world when I started in the police force in 2001. The safety risk for police officers now has increased so much. We should be out there thanking them. Our job in this house is to make sure that we have got legislation to protect them. This legislation and the amendments to this for mandatory crimes are what we want to see on the ground so we can see our courts having to deal with it and making sure that people already in or going in for ramming police vehicles spend a minimum two years in jail. It must be mandatory. You cannot have an option on it. If they go to jail, they should stay in jail for those two years on top of whatever they get, and that is solely for the fact that they have rammed a police vehicle and have actually gone against those who protect us. If we do not stand up for those who protect us in here, nobody will, and people will continue to flout the law.

As I have said, we have already seen the discussions and changes in relation to the pursuit policy, and we have seen how that has affected criminals, who now intentionally drive off. They will take further risks to

get away from police. I can tell you now that the coalition want this debate to keep going because we want to stand up for the voices. We want to make sure that those who protect us are protected by this house.

Mr SCOTT (Minister for Finance) (12:02) — There are a number of other pieces of legislation — I think there are three other bills — that need to be debated, including a committee stage which has been granted. I note that the member Gembrook did make a reasonable fist of using the debate on the procedural motion to get a series of issues onto the record. I chose not to raise a point of order on that since I took the view that a reasonably free debate on the procedural matter was not out of order. But I would say that there are a number of other serious pieces of legislation to be considered, including a committee stage. Therefore I support the adjournment to be debated.

Mr THOMPSON (Sandringham) (12:03) — In speaking in relation to the adjournment of this particular debate on the Crimes Legislation Amendment (Protection of Emergency Workers and Others) Bill 2017, can I say that there are a number of members in this chamber who are very keen to make a contribution to a very important debate. The member for Gembrook has quite clearly and from firsthand experience drawn to the attention of members the fact that on a daily basis members of Victoria Police put their lives on the line to protect members of the wider community.

The objective of the bill before the house is to amend the Crimes Act 1958 to insert new offences relating to the creation of risks to emergency workers on duty, and certain other persons, and the damaging of emergency services vehicles by driving or ramming vehicles, and a number of other amendments. The opposition has some important amendments to put to this particular debate, which I think need to reasonably be aired as part of that debate. The opposition have been silenced in relation to this matter, and it is a very important matter.

Within the Sandringham electorate and the municipalities of Bayside and Kingston there have been unprecedented levels of crime and new crimes being committed that are endangering community safety, including home invasions, assaults and offences such as deception, and these are rising at an alarming rate. It is important that there be good opportunity for those matters to be addressed.

In relation to the important work of Victoria Police on a daily basis as they go out to protect us, I recall the story of how a number of years ago a Victoria Police member went to work and came home a paraplegic.

They daily put their lives on the line, and it is important they get the full protection of this place to assist them. There are important legislative matters that need to be considered by this chamber, and therefore I strongly oppose the proposal to adjourn the debate.

Mr PEARSON (Essendon) (12:05) — I rise to support the motion to adjourn the debate. There are some important matters that are still before the house today — I for one am eagerly anticipating the contribution from the member for Malvern on the State Taxation Acts Further Amendment Bill 2017. I am hopeful that we can get to that prior to lunch, so I support the adjournment.

Ms SANDELL (Melbourne) (12:05) — I very much appreciate that there are some very important bills that we are yet to debate in this place. In particular, I would like to make a contribution on the Drugs, Poisons and Controlled Substances Amendment (Medically Supervised Injecting Centre) Bill 2017 and the State Taxation Acts Further Amendment Bill 2017. These are really important bills, but the Greens are inclined to agree that it is not good process to adjourn debate after only two or three speakers on either side. The government is responsible for setting the agenda of Parliament and for ensuring there is adequate time to debate what are really important changes to our laws. The Greens oppose the guillotine this week in part because we just think there are too many bills on the agenda for this week and too many bills that are actually really big changes that have been a long time coming; six bills of that nature is simply too many.

In particular, the safe injecting rooms bill — we understand there may only be 30 minutes for consideration in detail or there may not even be a consideration-in-detail stage, which is really not good process for this Parliament. We have repeatedly requested that there is more consideration in detail for large bills like this, and in fact debate was cut short on the safe injecting rooms bill yesterday. I have not had a chance to speak on that bill; I would really like to get to it, but I think cutting debate short on other bills is not the way to do it. We actually need to allow adequate time for these debates on all of these bills in the first place.

I for one would have loved an opportunity to get up and thank my colleagues for all the work that they have done on the safe injecting rooms, particularly people in Adam Bandt's office like Rob McLeod and people like our Yarra councillors past and present, including mayors like Amanda Stone and Alison Clarke. I really would have loved to have gotten up and talked about how important a safe injecting room is for the community in North Richmond and how it has been a

really long time coming and how there has been a long, hard-fought campaign to get there, but it seems that because we have too many bills on the guillotine this week debate is being adjourned on all of them, and I just do not think that is very good process. If it gets to a division on this motion to adjourn this bill, the Greens are inclined to oppose the adjournment.

Ms Britnell interjected.

The ACTING SPEAKER (Mr Richardson) — I note that there have been six speakers, and so leave is required for an additional speaker on the adjournment. Is leave granted for the member for South-West Coast to speak?

Leave refused.

House divided on Ms Halfpenny's motion:

Ayes, 43

Allan, Ms	Languiller, Mr
Andrews, Mr	Lim, Mr
Blandthorn, Ms	McGuire, Mr
Bull, Mr J.	Merlino, Mr
Carbines, Mr	Nardella, Mr
Carroll, Mr	Neville, Ms
Couzens, Ms	Noonan, Mr
D'Ambrosio, Ms	Pakula, Mr
Dimopoulos, Mr	Pallas, Mr
Donnellan, Mr	Pearson, Mr
Edbrooke, Mr	Perera, Mr
Edwards, Ms	Richardson, Mr
Eren, Mr	Scott, Mr
Foley, Mr	Spence, Ms
Graley, Ms	Staikos, Mr
Green, Ms	Suleyman, Ms
Halfpenny, Ms	Thomas, Ms
Hennessy, Ms	Thomson, Ms
Howard, Mr	Ward, Ms
Kairouz, Ms	Williams, Ms
Kilkenny, Ms	Wynne, Mr
Knight, Ms	

Noes, 36

Angus, Mr	O'Brien, Mr D.
Asher, Ms	O'Brien, Mr M.
Battin, Mr	Paynter, Mr
Blackwood, Mr	Pesutto, Mr
Britnell, Ms	Riordan, Mr
Bull, Mr T.	Ryall, Ms
Burgess, Mr	Sandell, Ms
Clark, Mr	Smith, Mr R.
Crisp, Mr	Smith, Mr T.
Gidley, Mr	Southwick, Mr
Guy, Mr	Staley, Ms
Hibbins, Mr	Thompson, Mr
Hodgett, Mr	Tilley, Mr
Katos, Mr	Victoria, Ms
Kealy, Ms	Wakeling, Mr
McCurdy, Mr	Walsh, Mr
McLeish, Ms	Watt, Mr
Morris, Mr	Wells, Mr

Motion agreed to and debate adjourned.

Debate adjourned until later this day.

STATE TAXATION ACTS FURTHER AMENDMENT BILL 2017

Second reading

**Debate resumed from 1 November; motion of
Mr PALLAS (Treasurer).**

Mr M. O'BRIEN (Malvern) (12:15) In rising to speak on the State Taxation Acts Further Amendment Bill 2017 I am reminded of the adage that a bad idea does not become a good idea merely by virtue of repetition. What we see contained in this bill is a bad idea that has been reheated and served up again to the Parliament of Victoria. The core of this bill is a proposal to take away from local governments the power to undertake their own valuations of land and to centralise it in the valuer-general and, on top of that, to move from biennial valuation of land — that is, every two years land being valued — to land being revalued every single year. This is a proposal that was rejected by the upper house. The government saw the writing on the wall and withdrew this aspect of the former state tax bill before the upper house had the chance to formally dispatch it over the fence. But nonetheless, the core problems with this proposal remain.

The Treasurer has used the last few months running around local governments trying to placate them and trying to threaten them. Both of those elements, the placations and the threats, are contained within this bill. The placations relate to the government saying that it will now pick up some of the additional costs that would be imposed on local government under this system — the additional cost of moving to annual valuations rather than every two years and the additional cost of councils who have their own valuation staff whose jobs would be lost under this system. The government is saying, 'Well, look, we'll hold out a bit of a carrot and we might take up some of those costs for you'. The government is also threatening local councils. It is saying, 'We're going to pretend to give you some autonomy, but ultimately over a four-year period you must bend to our will and come into this new system, where local government is being taken out of the valuation business and it is all being centralised in the valuer-general'.

What could lead the government to want to do this? Why would the government want to take away those functions from local government, which has been doing it successfully and professionally for many, many years?

The answer of course is money and more tax. The *Herald Sun* got it right on 13 October 2017, 'Labor lands tax grab: annual property valuations mooted'. That article, by James Dowling of the *Herald Sun*, notes:

From 2019, the government is planning a move to annual property valuations instead of every two years — which the budget shows will boost the state government coffers by an extra \$200 million that year.

Remember, this is a government led by a man who on the steps of this very Parliament, on the evening before the 2014 election, was being interviewed by Peter Mitchell on 7 News. Mr Mitchell said:

Daniel Andrews, all the polls say you will be Victoria's next Premier. If you are, do you promise Victorians here tonight that you will not increase taxes or introduce any new taxes?

The member for Mulgrave mustered up all the sincerity he could manage, he looked down the barrel of the camera and he said:

I make that promise, Peter, to every single Victorian.

How many times has that promise of no new taxes and no increased taxes been broken? Not once, not twice; we have now got it at 12. There are 12 new or increased taxes under this government and 12 new or increased taxes under this Premier. They have tripled the tax on brown coal. There is the new taxi and Uber surcharge; the land tax surcharge for absentee owners was introduced and then increased; the stamp duty surcharge for foreign purchasers was introduced then increased; and there were the fire services property levy hikes. They increased the stamp duty on new cars. There is a new stamp duty for off-the-plan purchases other than those of first home buyers and a new stamp duty on property transfers between spouses other than those for a principal place of residence. A new vacant residential property tax was introduced, and increased property transfer fees were introduced. There is a new place-of-consumption wagering tax in the budget papers, but it has not yet been introduced through the Parliament.

Now of course we see this new annual valuation to increase land tax — a straight tax grab. That would be reason enough for this Parliament to say we do not believe it should be supported, because we do not believe in facilitating governments to break promises, but it is worse than that because not only is this a tax grab but it is one that will cause a lot of damage to local government. It will cause a lot of damage to the confidence that property owners have in the integrity of the valuation system.

At the moment property owners may not like getting their rates bills, may not like getting their land tax bills,

but they know when the work is done by local governments that local governments do not have an inherent incentive to inflate property valuations. The reason for that is that rates are effectively a carve up of a known cake, if you like, or a pie. The council budget is set and the property valuations simply serve to indicate what slice of that cake each property owner in the municipality contributes to the overall budget, but it is a very different situation for the state government. When there is an increase in property valuations for a state government, land tax values absolutely increase. So this is not a question of divvying up the same-sized cake amongst the people in the municipality, as occurs with ratepayers.

When it comes to land tax there is an inherent conflict of interest as the state government is a direct beneficiary of any inflation of property values. So for the government to take what has been an arms-length and independent valuation system out of business and to centralise it with the valuer-general, which is an agency of the state government, is problematic. This is not simply a concern that I have expressed; this is a concern that has been expressed by a number of local councils. I am happy to put on the record some of the concerns that have been raised with me by local councils, notwithstanding the Treasurer's efforts to entice or to bully councils into silence on this proposal.

I refer to a letter I received on 20 October 2017 from the then mayor of the City of Stonnington, Cr Jami Klisaris. Cr Klisaris has been working very hard and has just left the mayoralty and I understand Cr Klisaris is a paid-up member of the Labor Party, so we are not talking about somebody here who has got any particular political antipathy to the current state government. The letter from Cr Klisaris notes:

Council at its meeting on 16 October 2017 resolved:

That council makes further representations to parliamentary representatives in opposition in the strongest possible terms to the proposal contained in the State Taxation Acts Amendment Bill 2017 which proposes to annualise and centralise statutory valuations in Victoria.

The letter goes on:

One of the advantages of the current system is that valuations are 'checked' by the valuer-general following the return of valuations being submitted by councils to the valuer-general.

... With valuers or contractors employed directly by the valuer-general, this independence is lost potentially leading to a loss of confidence by the public in the integrity of the valuation process and the valuations themselves.

That letter was supplemented by a further letter of 6 November 2017 from the acting chief executive

officer of the City of Stonnington, Stuart Draffin. In Mr Draffin's letter he noted:

Council's reasons for opposition to the proposal are summarised as follows:

1. It will cost more. Undertaking valuations each year instead of each second year will cost taxpayers and/or ratepayers more.
2. Taxpayers who currently pay land tax will pay more because there will be an annual, presumably upwards, increase in the valuation of their investment property.

I should note at that point it is not just investment properties which are the subject of land tax. Effectively almost any property apart from a principal place of residence or a farm is largely caught within this particular net.

3. There will be little correlation between the government-announced rate cap and the amount on individual rate notices.

I just pause at that point to note the hypocrisy, the 'Do as I say and not as I do' attitude of this particular state government. It has been very keen to try to impose fiscal restraints on local government in relation to rates, but it has shown itself to be the taxing champion of the nation. Victoria has the highest state tax to gross state product proportion of any state in the country. We are the highest taxing state in the commonwealth, so for this government to be preaching fiscal restraints to local councils while having a gluttonous approach to taxes themselves is a little bit hypocritical.

Returning to the letter from the acting CEO of Stonnington:

4. Loss of independent valuation review.

That goes to the concerns that were raised by then-mayor Jami Klisaris.

I received a letter from the City of Port Phillip dated 16 October 2017 from the then mayor, Cr Bernadene Voss, which says:

Re: proposed changes to valuation processes

...

Notwithstanding recent 'information sessions' ... our level of confidence regarding the issues previously referred to has not increased.

The fact remains that this represents a fundamental change to property valuations without a compelling business case. While it will lead to an increase in land tax revenue for the state, it is likely to cost councils more for questionable benefits and with increased risk around rates revenue security.

The then mayor noted under different headings of ‘Stakeholder consultation’, ‘Financial impacts’ and ‘Service quality’ the concerns of the City of Port Phillip.

I also received correspondence from the office of Cr Denise Massoud, the mayor of the City of Whitehorse. It noted:

Whitehorse City Council has carefully reviewed all available information including the high level principles agreement that commits that local government will not be financially worse off.

While this addresses some of council’s concerns it does not address outstanding concerns that can be summarised as follows —

1. Loss of supplementary rates income ...
2. An erosion of ratepayer customer service
3. Increased administration and customer-facing costs incurred by council, the ‘hidden costs’
4. Ratepayer anger and frustration directed at council over the Fair Go Rates system with every year becoming a rates redistribution year ...

It is not just local government that has said the government has got this one badly wrong. I have received correspondence from the Victorian division of the Urban Development Institute of Australia (UDIA) — a letter from Angela Gaedke, acting CEO of the UDIA, dated 9 November 2017. It said:

After canvassing the views of our finance and taxation committee, the following issue with the bill became clear:

There is concern that the bill introduces a financial incentive for the overvaluation of properties.

The letter went on:

Under the State Taxation Acts Further Amendment Bill, industry is concerned that there will be too much of an explicit financial incentive for government to overvalue properties. This is because the valuation amount directly affects the amount of land tax collected ...

With this issue in mind, UDIA Victoria opposes the State Taxation Acts Further Amendment Bill.

The Real Estate Institute of Victoria (REIV) said in a letter from Gil King, the CEO of that body, dated 10 November 2017:

The REIV opposes the centralisation of rating valuations from the valuer-general’s office ...

The institute also opposes valuations being conducted on an annual basis, rather than biannually as at present.

The letter goes on to set out the REIV’s reasons why that is the case.

Valuers, the people who actually do the work of valuing property, have come up with not one, not two but 16 good reasons why it is not a good idea for the state government to take over statutory valuation processes from local government in Victoria. Time will get away from me if I try to read all 16 of those reasons into the record, but it should be noted that the Municipal Group of Valuers is hardly a militant organisation; they are people who do their job well and do it professionally, and they are gravely concerned that the proposals in this legislation will affect their members, whether they are working for councils directly or working for private sector valuers that are hired by councils. They are very, very opposed to these changes. It is not just about the lack of independence and the lack of checks and balances on the valuation process, and it is not just about the taxation; it is also about accuracy.

This comes down to a pretty basic and fundamental point. At the moment when we have a revaluation period, we have two years worth of data points — two years worth of market transactions — to assist the valuer to determine what the movement, if any, in the market has been. So if you are looking at a particular suburb, over a year there might have been, say, 500 sales. Over a two-year period, you get a thousand sales and you get 1000 data points to help give a far more accurate indication of what the market movement has been in that particular period. By halving the valuation period, by going from valuations every two years to valuations every one year, you are halving the data points and you are therefore reducing the level of accuracy.

This is what sums up the core of this bill. It is to charge Victorians more land tax every year at a higher administrative cost on a less accurate basis. That sums up Labor to a T: charge people more tax at a higher cost to do it and on a less accurate basis, and do it every single year. That is this Labor government’s policy. That is why this bill in its current form should not be supported and in fact should be opposed, and it will be opposed by members on this side of the house.

I should just put in context the Premier’s promises in relation to taxation and I did mention those broken promises. But let us have a very quick look at the extent to which this government has already ripped out a lot of extra money in taxes from the property market. We have seen under this government that stamp duty has increased by 39.4 per cent since the election — \$1.74 billion. That is not just simply reflecting any heat in the property market. As I have previously outlined to the house, this government has made deliberate decisions to increase stamp duty in different areas. We have also seen land tax increase by 35.1 per cent, or

\$615 million, since the election — from \$1.75 billion to \$2.37 billion. This is a government that seems to have an insatiable appetite for higher taxes. What is really concerning is that it does not seem to particularly care how it gets those taxes. Even at the expense of the independence of local government, even at the expense of the integrity of the valuation system and even at the expense of the accuracy of valuations, this Premier and this Treasurer just do not care. They simply want the money. That is all it comes down to.

Mr Angus — It is a tax grab.

Mr M. O'BRIEN — As the member for Forest Hill points out, it is just a tax grab. That would be bad enough, but it is a tax grab that is going to hurt local government and hurt the integrity of the system as well. This is probably as good a time as any for me to move the reasoned amendment that the coalition will be putting forward to this bill. I move:

That all the words after 'That' be omitted with the view of inserting in their place the words

'this house refuses to read this bill a second time until the Andrews Labor government has fully addressed the concerns of local councils, valuers and the community regarding the increased costs, loss of jobs and conflict of interest consequential upon centralising property valuation authority with the valuer-general and moving to a system of annual re-valuation, while noting the house's support for the extension of payroll tax exemptions'.

I will briefly turn to some other aspects of this bill. One aspect of the bill to which the opposition does not object is the relatively modest extension of payroll tax exemptions. Currently group training organisations (GTOs) engaging apprentices and trainees are exempt from payroll tax if the approved training organisation is a not-for-profit GTO. Under the proposal contained in this bill, that would be changed and the payroll tax exemption would also be extended to for-profit group training organisations to the extent they are engaging apprentices or trainees.

The unemployment data that was released today at 11.30 a.m. shows that for the 14th consecutive month Victoria's unemployment exceeds the national average and that Victoria's unemployment rate is a full 1.1 per cent higher than New South Wales. There is no doubt this government has dropped the ball badly when it comes to jobs. You cannot have an employment rate that is 1.1 per cent higher than our northern neighbour and economic competitor. You cannot have an employment rate that has been higher than the national average for 14 consecutive months without some acknowledgement that this government has got it wrong.

Mr Richardson interjected.

Mr M. O'BRIEN — Well, the member for Mordialloc asked what have we done. I am happy to tell the member for Mordialloc that during the coalition's four years in office Victoria created more jobs than any state in the country. We created more jobs than any state in the country. So there is the answer to the member for Mordialloc's question, 'What did we do?'. We created more jobs than any state anywhere in the country. I thank Dorothy over there for the question. That was very helpful. We do not object to the relatively modest extension to payroll tax exemptions for for-profit group training organisations.

There are some other aspects of the bill which I am concerned about. I raised these in the bill briefing. I thank the Treasurer and his office for facilitating the bill briefing and I thank the professionals and the staff from Treasury and the State Revenue Office. It is always enlightening to go through that process, and my colleague the member for Forest Hill was there with me. Everyone else in the chamber must have been caught up in other business, I suspect, because it was only the member for Forest Hill and I who managed to wade through the bill from first clause to last.

Mr Scott — Surely not!

Mr M. O'BRIEN — It is how some of us get our jollies, I suppose, Minister for Finance.

Honourable members interjecting.

Mr M. O'BRIEN — Indeed. So there are some aspects that I am concerned about. The government has put in place measures in this bill, particularly around clauses 22 and 23, from memory, which relate to land tax. In particular the government is looking to close what it sees as being a loophole, which is where there are some organisations which for charitable or sporting reasons may have access to a land tax exemption and the government says, 'Well, look, we've had developers who have been land banking. They've been taking that land-banked land and leasing it out for a peppercorn rent to a sporting or a charitable organisation, and for that reason they've been able to avoid paying land tax on that land'.

I do not have a problem with that sort of activity being dealt with legislatively, because I think it seems to be a fairly clear intent to undermine the objective of the land tax legislation. Where I do have a real concern, though, is with the prospect that this bill is introducing a massive grey area for legitimate sporting and charitable organisations, where they have previously been able to rely on the black letter of the law to know that their

land is exempt from land tax and now it will be very much coming down to the interpretation that is put in place by the commissioner for state revenue.

Under this bill clause 22 seeks to repeal section 71 of the Land Tax Act 2005, which is currently headed 'Land leased for sporting, recreational or cultural activities by members of the public'. Then clause 23 of the bill seeks to put in a new clause, and what it does is it changes what is currently the word 'primarily' or 'substantially' and replaces it with the word 'exclusively'. Where that matters is that where you have some land which is owned by a non-profit organisation, and currently if the commissioner determines that the land is used by the non-profit organisation primarily or substantially for sporting activities or outdoor recreation, outdoor cultural or similar outdoor activities and then the primary purpose is to conduct those activities, then effectively the land will be exempt from land tax. So where previously the test used was 'primarily' or 'substantially' in the conduct of these activities, it is now replaced by 'exclusively'.

Where I am concerned with that is that you can get organisations such as perhaps a suburban footy club, a netball club, a golf club or a tennis club where not all the activities on that land will be for the conduct of football, netball, tennis or golf. You will have clubrooms. Some of them might be used for changing rooms, but some of them might be used for providing lunches and dinners. You have many instances, particularly in country Victoria, where those rooms are rented out; they are rented out for 21sts, for wedding receptions and for all sorts of community activities for which money is paid.

The question I had at the briefing was that under this change, where that land has to be used exclusively for the non-profit purposes — for sporting activities et cetera — what are the consequences of that? Does that mean that all of a sudden netball clubs, footy clubs, tennis clubs and golf clubs are going to have to start paying land tax on their clubrooms? Because this would be a huge impost on our community and a huge impost on the volunteers who generally make up those sorts of sporting organisations. The best the government could come up with was, 'Well, look, we don't think so. That's not the intention'. Well, the first thing I would say is that, if that is not the intention, I would invite somebody who speaks with the authority of the government during this second-reading debate to stand up in this chamber and make that clear on the record. If that is not the government's intention, that should be made absolutely clear so that the commissioner for state revenue and any subsequent court or tribunal seeking to interpret these

provisions can be fully aware that the intention is not to capture clubhouses and sporting rooms associated with the sporting facility for land tax purposes.

I raised this in the briefing, and it was taken on notice. I did receive a letter from the Treasurer dated 13 November 2017. In seeking to address the questions that I raised, the Treasurer actually raised more questions than he answered. He said, and I quote:

It is well-established law that an association may be exclusively charitable even though it may have incidental, subsidiary, collateral or subordinate non-charitable purposes ... Using this principle, land may be taken to be used exclusively for the exempt purpose even though the land may also be used for incidental, subsidiary, collateral or subordinate non-exempt purposes.

I pause at this point to say, well, what is the point of changing the definition from 'primarily' or 'substantially' to 'exclusively' —

Mr Angus — If it's working fine, then why change it?

Mr M. O'BRIEN — Exactly. As the member for Forest Hill says, if that point is working well, then why change it? The Treasurer then went on. He said:

It is also a well-established legal principle that in applying the law, the requirement of reasonableness and the principles clustering around the maximum de minimis have work to do. In the context of determining whether land is used exclusively for an exempt purpose, the nature and frequency of any unrelated non-exempt use is considered against the de minimis principle.

How is the secretary of the tennis club in country Victoria supposed to be working out whether the number of functions they have is consistent with the de minimis principle? For goodness sake, we should be passing laws in this place that work for the community. We should be making it simpler, we should be making it clearer and we should be having bright lines wherever possible. We should not be getting into this business of saying, 'Look, there was a really clear provision in the statute. Now we're going to make it much harder, but you have to rely on the application of the de minimis principle', whatever that is, which apparently secretaries of tennis clubs and netball clubs are now supposed to work out to determine whether they have to pay land tax on their clubrooms or not. So we have a real concern about that.

Another concern that I raised was with the structure of the changes to the Congestion Levy Act 2005, particularly around shiftworkers. I actually do not have a problem with the principle which is put forward to try and clarify the operation of exemptions under the

Congestion Levy Act for what are called shiftworkers, but the way it has been drafted I actually do not think it does that job, because it seems to imply that everyone knows what a shiftworker is and that somebody who works 9 to 5 is not a shiftworker. Well, it does not say that anywhere in the legislation, so I think this has been confusingly drafted at best, and for something that is supposed to simplify the law, I think it actually achieves the opposite purpose.

So the opposition will not support this bill in its current form. We do support the minor payroll tax changes proposed in it, but the core of this bill — to attack local government, to take away their rights to value property, to increase land tax in an unfair way, in a less accurate way, in a way which involves a conflict of interest with the state — is not one that we can support. This was a bad proposal when it was introduced in the budget session in May; it is a bad proposal now. The government should, instead of trying to reheat it, just take it away and scrap it.

Mr PEARSON (Essendon) (12:45) — I am delighted to make a contribution on the State Taxation Acts Further Amendment Bill 2017. At the outset, I am delighted that Jamie McDonald and Glenice Thomas from my office are in Parliament House to attend a lunch with me today, and it is great to have them in the gallery.

I think this is a really important piece of legislation. As the chair of the Public Accounts and Estimates Committee, you would expect me to say no different. The reality is that as a state we generate roughly 53 per cent of our revenue from our own sources. We get the balance of 47 per cent from the federal government, half of which is through the GST and the balance through specific grants from the federal government. So roughly 53 per cent of our \$63 billion in revenue comes from our own sources.

I think it would be fair to say one of the reasons the budget is in such a strong position, and it has been in a very strong position for the last 20 years, is as a consequence of the state having the right to levy land tax and to also levy stamp duty on property transactions. I think when you look at the state of the budget over the bulk of that time it has been in a very strong position because of the escalating value of land that has occurred over that time.

I believe, as many of us do on this side of the house, that you need to have a progressive approach to taxation. I am 44, and I look at my —

Honourable members interjecting.

Mr PEARSON — There we go. You momentarily distracted me. So I am 44, and if I look at people in my generation, in my age group, those who got into property early in a significant way are significantly better off than those who are renting. Most of the wealth that has been created in our community over the best part of 20 years has been as a consequence of property, maybe speculating on property, but through those who have property assets.

If you believe in progressive taxation and in making sure that some of those gains are shared, then you need to have a fairly strong approach when it comes to taxation both in relation to stamp duty and also in relation to land tax. Otherwise effectively what you are saying is, 'We're not really going to tax all those windfall gains that people are sitting on. We're going to let those people get more wealthy, and we're not going to be able to ensure that there's an appropriate taxation regime in place'.

The other point to make too is that — and I know the shadow Treasurer has made a number of comments in the last 48 hours about the size of the public service in Victoria and how it has increased over the last three years — if you are going to fund more police, more nurses, more protective services officers and more community service workers, you have got to pay for it. I do not think we want to have a situation where we are effectively having recurrent budget deficits year on year, because that is not sustainable. That is clearly not a sustainable way to manage the state of the budget.

The bill before the house looks at making a raft of changes across a number of areas. It is about making sure that we also keep the legislation relevant and apposite to the needs of our times. I note that an article published in the *Age* last Friday talked about the vacant residential land tax and how it now applies to properties that have been empty for more than six months a year. In my community in the City of Moonee Valley there are at least 1700 empty properties. I raise this from the point of view that it is important that we have this data available to us so that we can then start developing appropriate policy responses around that. If you did not have a vacant residential land tax in place — a property tax in place — then you would not be capturing this data, so we would not know, in my case, that there are 1700 empty properties in the City of Moonee Valley. By capturing the data you can therefore start a process to try to tackle and address that. I think this is a really important initiative.

The bill also refers to the establishment of digital channels to manage people's taxation affairs. Again I think this is important because it is about making sure

that people have got the ability to have information sent to them electronically. There are amendments to the Taxation Administration Act 1997 which will enable the State Revenue Office (SRO) to serve an assessment. I think this is fair and appropriate. I do not think you want to have a situation where you are just relying upon outmoded and outdated methods of communication. I think having the ability for the SRO to more efficiently deliver these assessments is really important as well.

The bill also makes changes in relation to group training organisations (GTOs), so it will be extended to GTOs, which are for-profit organisations that employ new entrant apprentices under an approved training scheme. I think this is really important. We need to make sure that we properly train up and skill our workforce. There would appear to be some skill gaps emerging in the workforce. Partly I think this is a consequence of the significant increase in capital expenditure that the government has embarked upon to try and address the growing increase in the population. It is about making sure that we have the ability to have properly trained up and skilled employees to be able to meet the emerging challenges that we are facing. So on this measure I think anything we can do to encourage an increase in terms of apprentices and trainees is really important and should be encouraged, because it is about making sure that we have the appropriate workforce to try and deliver these projects and take us into the 21st century.

I note in relation to the question around valuations that local government authorities will have the ability to opt out of the proposed centralised system if they wish to do so. I think that is an important note to make. It is about making sure that we have got an appropriate system in place to levy an appropriate rate of taxation through those local government authorities.

The bill that is before the house now is about ensuring that we continue to modify and strengthen our taxation system. It is about making sure that we have a progressive approach to taxation to ensure that we can create a great society. It is about making sure that we can employ the teachers, the additional sworn officers and the nurses in order to create a just society. If you do not do that, you have got two choices. If we take the opposition at its word and we say, 'Look, let's not do this bill. The reasoned amendment will basically send the bill off', then we run the risk of potentially impairing our ability to raise a reasonable level of taxation revenue. If that is the case, then the question is: how do you employ the frontline service workers that the community expects? How do you fund the critical infrastructure that we need to deal with the growing population that we are experiencing?

We grew by 147 000 people last year. If you believe in a progressive society, if you believe in a great society, then you need to make those sorts of investments, and at the end of the day you have to pay for it. You cannot just run it up on the credit card. You have to find a way in which you can fund this critical infrastructure. If we do not do that, then what we will see happen is that the isolated, the disadvantaged and the poor will continue to put up with substandard infrastructure and services and they will lead a lesser life.

This is about making sure that we have the ability to deliver the society that the community demands and deserves. I commend the bill to the house.

Mr D. O'BRIEN (Gippsland South) (12:55) — I am pleased to rise to speak on the State Taxation Acts Further Amendment Bill 2017 and to support the reasoned amendment moved by the member for Malvern, because this is a bill that has caused much angst, including in my own electorate, with respect to the initial attempt of the government to bring it in through the budget papers, and it still does — I note that I am still getting emails from councils and valuers with concerns about it.

In the few minutes that I have before the lunch break, I might just address a couple of the comments made by the member for Essendon. He referred to how important it is to have this progressive approach to taxation. I think you can say that is code for increasing taxation. That is fine. If that is the progressive approach and what those on the other side want to do, they should let the world know it. Let us not try and pretend that this is some sort of important efficiency within government. This is a tax grab, as the member for Malvern has outlined.

I understand the concept that if you are going to have decent services, you need a reasonable level of taxation to deliver them, but what the member for Essendon refers to as a reasonable level of taxation versus the services that are delivered is the question. When he went on to say that it is important for government to have that reasonable level of taxation so that people have a good life, that shows a fairly clear distinction between what those on the government benches think about how our lives should be run and how we on this side think. It is not about the government making sure you have a good life. In my view the government should be getting out of the way as often as possible. Absolutely it should be supporting those who need support and providing a safety net, but to say that having a good life is dependent on the government raising enough taxation revenue is a curious approach

to policy from my perspective, and I think this is a case in point.

Let us be up-front about it: this is a tax grab, and it continues the tax grab that we have seen under this government. In regard to the suggestion that we need more taxes to deliver the increase in the public service that the member for Essendon just referred to, I will ask a question. There has been a 22 per cent increase in the cost of the public service in less than three years, and I would ask Victorians: do you feel you are getting 22 per cent better service from your state government? I think the member for Essendon would find the answer would be a very clear no from most people — other than those, of course, who have been the beneficiaries of the largesse from this government. That is a concern.

I guess it highlights the difference between those opposite and those on this side. We actually think we should efficiently deliver services, we should minimise the amount of tax that is raised, while also making sure that we are looking after those who need support and who need services and building the infrastructure that we need in this state, but not doing that unnecessarily.

There are 11 new or increased taxes that this government has announced and introduced. Let us go through them. We have the \$252 million increase in the coal royalty. We have the taxi and Uber tax that has now gone through. We have had the land tax surcharge for absentee owners introduced. We have had the stamp duty surcharge for foreign buyers increased from 3 per cent to 7 per cent. The fire services property levy is being increased. We have had increases in stamp duty on new cars. We have had new stamp duty on off-the-plan purchases, new stamp duty on property transfers between spouses, the new annual property valuations that we are talking about here today, a new vacant residential land tax and a point-of-consumption wagering tax which has not yet been introduced but which is already in the budget numbers. So despite the Premier's promise before the election that there would be no new taxes or no increased taxes, there we have it — 11 new or increased taxes, and each of those will have an impact on our community.

Most notably, as I spoke about yesterday, that increase to the coal royalty —

The ACTING SPEAKER (Ms Spence) — Order! The time has come for us to break for lunch. The member will have the call when we resume at 2.00 p.m.

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

Mr D. O'BRIEN — Before the luncheon break I was talking about the tax issues and the tax implications

of this legislation and how clearly this is a tax grab. The other thing I want to talk about with respect to the valuation changes is the impact that this will have on local government and on valuations generally. I think the member for Malvern made clear what the impacts will be in terms of additional taxes paid by Victorians, because the government will be getting an extra bite at the cherry in respect of land value increases every year rather than every second year.

I know this has been an issue of concern for a lot of councils and that some have made contact with their members of Parliament. One comment from earlier in the year — and this has not changed, because this bill is the same in practice as what was proposed in the budget bill — was from a senior in-house valuer in one of my councils. He made a number of comments with respect to valuations being centralised with the valuer-general. Firstly, in simple terms, he said the centralised valuation system creates centralised jobs at the expense of regional jobs, and that is something that I do not think we can afford to be doing as Melbourne grows inexorably larger. He also talked about a regional brain drain, as valuers will relocate to Melbourne and the CBD to work for the valuer-general. He said there will be a loss of real-time answers from geographical experts to valuation questions from ratepayers, councillors and council staff — in other words, having someone in the office in Sale or Leongatha who knows the area and knows what they are talking about. He said that biannual rather than the annual valuations should logically cost double what they currently cost and asked whether that cost will be passed onto ratepayers or borne by the taxpayers of Victoria. He also talked about there being no job certainty for contracts and the prospect that larger statewide valuation firms will pick up a lot of the work, which will have an impact on many of our local valuers.

I can add to those concerns. One of the key issues with respect to the annual valuations is that it simply changes the amount of data available to make a decision on what valuations should be. Whilst that may not be an issue in the suburbs and metropolitan municipalities, where there are hundreds, if not thousands, of property sales in an annual period, in many of our small rural shires there are not a lot of sales. Particularly when it comes to agricultural land, there are certainly instances where not a lot of farms change hands. So getting the data to be able to compare that will be more of an issue, which means less accurate valuations, in my view, with respect to agricultural land in particular, but even in some towns and localities to residential valuations as well.

These are some of the objections and concerns that have been raised. Indeed the lack of consultation with the valuation sector when this was first pursued, and I

suspect with this new legislation as well, is something of concern. There are a number of other aspects of the bill with which we also have concerns. We do not have an issue with changes to the payroll tax arrangements to extend the exemption for apprentices and trainees when engaged by for-profit group training organisations so that they will be treated the same as those who are employed by not-for-profit group training organisations. But overall this bill is not good for Victorians. It adds to the tax take that this government has already imposed on Victorians — the 11 new or additional taxes — and that is why I am very happy to support the member for Malvern's reasoned amendment.

Mr CARBINES (Ivanhoe) (14:06) — I am pleased to make a contribution on the State Taxation Acts Further Amendment Bill 2017. Let us get to the key points that the Treasurer outlined when the government made statements on these matters, particularly in relation to fair and more consistent land valuations for Victorians. That I think is the key issue here that we need to focus on. In a statement from the Treasurer on 2 November 2017 it was announced that:

These changes make sense, and will make land valuations in Victoria fairer and more consistent.

We said we'd consult on these reforms with the local government sector, and that's exactly what we've done.

The Treasurer pointed out that the changes not only follow extensive consultation with the Municipal Association of Victoria (MAV) but also make the valuation process more efficient and less costly. The government would agree with the statement that the valuer-general is best placed to undertake annual land valuations as it is able to let out larger contracts of valuation services across municipal boundaries and has the expertise to manage valuation standards. By undertaking annual valuations, land and property values will be more accurate and up-to-date, ensuring taxpayers' land tax bills more accurately reflect the value of their landholdings.

What is also clear is that in response to some of the issues that have been raised directly by specific local councils, which undertake some of this work with land valuers, there is not going to be any less work for those who do the valuations; there is not going to be less work for them to do. They will just have the opportunity to work for the valuer-general rather than perhaps working out of some municipal organisations and some local councils. It is not as though their jobs are not going to continue to be done. They will just be done in a more effective and efficient way that will provide plenty of opportunities for the work to continue to be done.

I note also that while a couple of councils have raised some objections, the Municipal Association of Victoria, of which these particular councils are members, has said in a statement of its own:

The government has listened to the local government sector's concerns. The reform is a sensible solution to a complex issue.

That is from Rob Spence, the CEO of the MAV, in his statements on these matters.

I also need to point out that there are a range of other issues that we have chosen to pick up on in relation to these matters. There are a range of costs that the government has said it will meet to address some concerns that have been raised by the local government sector. That is a critical point that addresses some of those key points.

Councils will have the opportunity to opt out of the centralisation arrangement until 30 June 2022 to assist transitioning to new arrangements. The government will provide funding to councils, as I just said, to assist with the transition to centralised valuations, including administration, IT and staff retraining costs. Of course many other states across the country already have an annualised valuations process. This is not something that is unique to Victoria. If anything, this is Victoria bringing itself into line and a reform that brings us into line with what happens in other jurisdictions across the commonwealth. That is a point that seems to be lost on those opposite.

Also important here is that the changes were deferred from a consideration in the State Taxation Acts Amendment Bill 2017 that was introduced back in May, and that was because we said we would have some further consultation with the local government sector about that reform. We have touched on the support from the Municipal Association of Victoria in relation to those matters. We have outlined the extra resourcing and support that the government is providing in these transitional arrangements. Those opposite are critical of the fact that it will generate substantially better revenue for the taxpayer for services that could be provided and also provide a fairer assessment of land valuations on an annual basis for those landholders. I think we need to reassess what their motivations and drivers are for that. As I said earlier, we have not heard from those opposite why they would oppose picking up this reform that is already in place across many other jurisdictions. We have not understood why they would oppose our seeking to streamline our arrangements so that they are as effective as they are in other jurisdictions.

I will also just touch on a couple of other points of the amendments made by the State Taxation Acts Further Amendment Bill. There is some payroll tax relief to grow Victoria's skilled workforce. That comes to changes that will reduce the payroll tax liability of for-profit group training organisations who recruit and hire apprentices and trainees. Currently the exemption is limited to not-for-profit group training organisations. It will encourage the take-up and placement of apprentices and trainees. There is also the strengthening and improving of our taxation system in the broader sense. The bill includes a number of technical and administrative changes to ensure the integrity of Victoria's tax system by closing loopholes, correcting anomalies and modernising the administration of our tax acts.

In particular I think the area that is important here relates back to the land valuations. I wanted to also touch on points raised by the Minister for Local Government, who said that the measure will ease the burden on councils and ensure valuations are consistent across Victoria. The valuer-general and their office have a huge capacity to manage this process. They have the experience to do it. They will have transitional arrangements for those valuers who are working in local government to take opportunities with the valuer-general's office. They are a huge organisation and have the capacity to ensure that this work continues, is consistent, is of value to the taxpayer, is of value to landholders and also picks up on some of the concerns that people have raised.

We also know that the valuer-general's assessment is used to calculate council rates and land tax. Valuers today use computer-assisted mass appraisal to determine what land is worth, so upgrading the biannual evaluation to annual by interpolation is easy and nearly costless. These are the points that have been made in different public statements that have been provided to the house.

Given that in July Victorian regional businesses paid one of the lowest payroll tax rates in the nation, some of these other changes that we are outlining here should enjoy the support of all members of this place. Already this year Victorian businesses have received significant tax relief across the board with measures from the Andrews government and a boost in business creating and supporting jobs. We have heard other members speak on some of those details. Removing some of the exemptions that only apply to not-for-profit organisations is, I think, also an important amendment that is outlined in this bill.

While we understand that there has been some concern, as I have touched on, from local government in relation to the valuations process I think that the government has reflected the way in which it operates on many different reforms that we have introduced around our consultations with stakeholders that are affected by these matters. Peak bodies like the MAV are critical organisations. People like Rob Spence, a very experienced administrator, negotiate, both through the Treasurer's office and MAV on local government's behalf, on some of the transitional arrangements and better financial support and resourcing for local government to make sure these changes that we propose in this amendment bill get maximum benefit for everyone — those involved in the transitional arrangements, including not only the landholders but also the land valuers.

This presents opportunities for all parties to get a more efficient outcome — an outcome that is reflected in other jurisdictions right across Australia. This is something that could have been done earlier by those opposite, but reform in these areas is never easy and it is not something that those opposite have ever sought to grasp. That is why it has taken the Andrews government to propose this range of amendments, changes and reforms. We are very confident that to improve the operation of our taxation and valuation laws these amendments go a long way to maintaining the integrity and sustainability of the taxation and valuation system. And of course they limit the burden of government regulation on the taxpayer — something that those opposite have had a very long-term refrain about. Ultimately what we are seeking to do here is to make sure that we pick up on the advantages and the consistency that applies in other jurisdictions for the benefit of landholders and also for the benefit of the taxpayer. I commend the bill and the amendments to the house.

Ms SANDELL (Melbourne) (14:16) — I rise to also speak on the State Taxation Acts Further Amendment Bill 2017. The Greens would like to take this opportunity to highlight some concerns that we have with this bill — concerns that we will need to look at before we decide how we will vote in the other place. The bill includes several provisions, which have been outlined, and our concerns relate mostly to the annualising of land valuations, which I believe has been the topic of most of the debate.

I note that many local councils initially came out in strong opposition to the proposal to annualise and centralise statutory valuations in Victoria. Councils — the ones that contacted us anyway — had several concerns. They were concerned that the bill could result

in an increase in costs to Victorians who pay state land tax. They were also concerned that they would need to foot the bill for the extra valuations, which would now happen every year rather than every two years.

We understand that the government has negotiated some changes to try to address the concerns of councils, but we have received correspondence from several councils ever since those changes were made by the government and they still have concerns. In particular it is not clear how long the state government will continue to pay for these extra land valuations and whether there will be any protections against these costs being referred back to councils in future.

Councils also have raised with us that they want to know whether, once all the values have been centralised, this function will then be privatised, similar to the experience in New South Wales. What will this mean for people's data, for example? What will this mean for the costs to the state for efficiency? All of those questions are raised when government services or assets are privatised.

The Greens are also concerned about the process in relation to supplementary valuations. We note that the process is not enshrined in the legislation but rather it is addressed through the valuer-general best practice guidance note and service-level agreement negotiated between the valuer-general and the local government authority. Councils are concerned that, should the valuer-general not be sufficiently resourced to undertake supplementary valuations — and we are not sure if they will be — if there is not a strict time line around these, it could have serious consequences for councils and their ability to deliver services for their communities.

For these reasons the Greens are not in a position to be able to support the bill at this stage, but we will explore and examine these issues further before the bill comes before the Legislative Council. Of course, as always, we are very open to talking with the government and stakeholders about these issues before we decide on our position in the other place.

Mr ANGUS (Forest Hill) — I am pleased to rise to make a contribution in relation to the State Taxation Acts Further Amendment Bill 2017. As has been highlighted by the member for Malvern, he has proposed a reasoned amendment, and that is of course that:

'this house refuses to read this bill a second time until the Andrews Labor government has fully addressed the concerns of local councils, valuers and the community regarding the increased costs, loss of jobs and conflict of interest consequential upon centralising property valuation authority

with the valuer-general and moving to a system of annual revaluation, while noting the house's support for the extension of payroll tax exemptions'.

In the midst of the particular bill that we have got before us, we can see that there is one positive aspect in relation to clause 19: giving that payroll tax exemption and extending it to the for-profit organisations in the group training area. That is the one and only matter on which the government finds support from this side.

In relation to the overall bill, we can see that it amends the Congestion Levy Act 2005, the Duties Act 2000, the Fire Services Property Levy Act 2012, the Land Tax Act 2005, the Payroll Tax Act 2007, the Taxation Administration Act 1997, the Unclaimed Money Act 2008, the Valuation of Land Act 1960 and the Victorian Civil and Administrative Tribunal Act 1998, so it contains a whole range of measures to deal with the taxation issues of the state to principally increase the tax grab from the residents of Victoria.

I think it is worth putting some context around this in terms of the very memorable comments that were made by the Premier on 28 November 2014 in relation to the issue of taxation. When Peter Mitchell from Channel 7 news asked the then opposition leader, and I quote:

Daniel Andrews, all the polls say you will be Victoria's next Premier. If you are, do you promise Victorians here tonight that you will not increase taxes or introduce any new taxes?

The now Premier said:

I make that promise, Peter, to every single Victorian ...

As I have said in this place a number of times, that will go down in history as one of the greatest lies of all time foisted upon the electors of Victoria on the eve of the election. We can see since that time, since 28 November 2014, that there have been at least 12 new and increased taxes, and they have had a tremendous detrimental impact upon the taxpayers of Victoria. We can see that some of those particular new and increased taxes include the tripling of the tax on brown coal, and we are all very familiar now with the results of that — the closure of the Hazelwood power station and the loss of 22 per cent of baseload power from Victoria's power supply, the consequences of which we are now seeing flowing through our system both on the supply side but also on the cost side in relation to skyrocketing electricity bills throughout the state.

Certainly my area out in the Forest Hill electorate is in no way immune from that, and I have got residents coming to see me on a regular basis to say how their electricity costs have gone through the roof and how that is absolutely devastating for their household

budgets. That is causing a lot of angst and a lot of stress out in the broader suburbs of Melbourne.

We have got the new Uber surcharge. We have got the land tax surcharge for absentee owners introduced and then increased the next year. We have got the stamp duty surcharge for foreign purchases introduced and increased the next year as well — it was introduced at 3 per cent and increased to 7 per cent. We have had the fire services property levy hiked and stamp duty increased on new cars to 1 per cent of the cost of a motor vehicle. If you want to work out how to drive motor vehicle dealers out of Victoria in one fell swoop, that is one of the ways to go about it.

We have got new stamp duty on off-the-plan purchases for those other than first home buyers and we have got new stamp duty on property transfers between spouses excluding the principal place of residence. Again, and I have spoken about this before, we have got a perfectly legitimate taxation and business planning tool that this government has attacked, causing great impost and great angst to people here in Victoria who want to undertake what was previously a fully lawful and tax-free transaction between spouses.

We have got the new vacant residential property tax that has been introduced. That is what I like to call the Big Brother tax, where the Treasurer of Victoria will work out what you use your property for and whether or not you are in fact using it for anything. The increased property transfer fees have been introduced. We have got the new annual valuation to increase land tax of course, and that is what we are looking at particularly today. So there is a whole range of increased taxes and charges throughout the budget and, as I said, this particular bill introduces a number of these in relation to that.

I think it is instructive if we look at some of the documents that have been tabled, and I particularly look at the Auditor-General's report tabled yesterday, entitled *Auditor-General's Report on the Annual Financial Report of the State of Victoria: 2016–17*. The timeliness of this particular document is very helpful. This contains a whole range of very important points, and I think it is something that perhaps some of those opposite might want to have a bit of a look at. If you look at some of the graphs on pages 34 and 35 and indeed on page 32, you can see the alarming trends that are going ahead under the current government. We can see on page 32 the Auditor-General notes that the state's expenditure grew at a faster rate than its revenue, and again that is clearly an unsustainable circumstance, but if we drill further into that, we can see that there has been at least \$2.4 billion of additional taxation revenue,

and that has come from a range of things. So that is a further gouge that has gone on there in relation to the Victorian taxpayers.

But most alarmingly we can see that there has been \$1.6 billion of additional employee expenses, mainly due to wage growth and additional employees in various areas. The Auditor-General goes on and says:

Due to these factors, the state needs to closely monitor and tightly control expenditure to maintain long-term operating sustainability.

So I can imagine the Auditor-General's office saying that and just thinking, 'Well, what hope is there for the state of Victoria for that to ever happen under a Labor government?', because as I have talked about many times over many years in this place, if you go back and you see what has happened in terms of expenditure and the loss of control of expenditure and particularly fixed overheads such as wages and salaries under a Labor government, it is apparent to all that the ability of the Labor government to closely monitor and tightly control expenditure is not an ability that they possess. You can go on and see, as it says on pages 34 and 35 in relation to the tracking of employee expenses in relation to costing and so on, how that is just increasing at a dramatic rate.

An article in today's *Herald Sun* from Alex White, entitled 'Cardigan central: public service a booming industry', says:

Victoria's public service is booming under the Andrews government, with thousands of new workers costing taxpayers an extra \$1.6 billion a year.

The government workforce has ballooned faster than the private sector for the past three financial years ...

Then it goes on:

Government ranks swelled by more than 4200 workers over the period, hitting 238 928 full-time jobs at the end of June 2017.

Government workers also enjoyed bigger pay packets, with wage rises outstripping other Victorian industries.

Honourable members interjecting.

Mr ANGUS — You can see there that others have identified that. I hear the interjections from the other side in relation to that, and certainly on this side we are not opposed at all to frontline service providers, but I am sorry to say that is not what we are seeing under this current government; we are seeing more tall buildings in the city filled with workers in the background not delivering services but doing who

knows what, and adding overheads like that to the public purse is of great concern.

In relation to one of the key issues within the bill — the issue of annual valuations — I had the City of Whitehorse write to me on 21 September 2017 expressing their grave concerns about that. The member for Malvern in his very significant and eloquent contribution earlier today went into great detail in relation to the deficiencies of that process, so I will not repeat that here due to time constraints, but it is clearly going to have an adverse impact upon all Victorians that own property and are subject to this tax.

Ms ASHER (Brighton) (14:30) — I too want to make a couple of comments in relation to the State Taxation Acts Further Amendment Bill 2017. There is nothing like a Labor government tax bill that has me going down to the papers office, collecting the bill, looking at the second-reading speech and seeing what further area of tax grab this government wants to have go at. This is yet another example of one of the broken promises from this government. I want to in particular refer to the annual valuations, which are covered under part 9 of the bill. I also want to make a couple of comments in relation to electronic transactions, which are covered under clauses 33 and 34. Whilst the member for Essendon indicated he thought this was a good thing, I wish to relay a concern from a constituent of mine in relation to these.

The bill introduces a range of changes, and they have been adequately explained by the member for Malvern. Indeed he has moved a reasoned amendment, which I support. Of course, if that reasoned amendment is not carried, we will oppose the bill. I emphasise, as did the member for Malvern, that we support the changes to the Payroll Tax Act 2007 to extend exemptions for apprentices and trainees when engaged in group training organisations, but my primary concern in relation to this bill is in fact the annual valuation for land tax purposes, which of course means that there will be annual increases — provided property follows its recent trends — in the land tax bill and therefore more tax to the government. Currently valuations are undertaken every two years, but the bill makes provision for annual valuations, as has been said by other speakers.

There are three consequences that concern me in relation to this. The first one is that the government will collect more land tax, so conversely taxpayers will pay more land tax. Secondly, there will be less reliable valuations; the member for Malvern went through this. There will be fewer data points available over an annual cycle as opposed to a two-yearly cycle to actually get a

correct valuation. Thirdly — and this is a matter of significant concern — when the centralised system kicks in, the valuer-general, who is after all an arm of the government, will be running valuations for the government. Again, it has been adequately explained by the member for Malvern that of course this will mean more revenue for the government as a consequence of these valuations.

I want to make reference to what I regard as an appalling comment in the second-reading speech from the Treasurer. He says at page 4, and I quote:

Undertaking annual valuations will have the added benefit of smoothing out the existing biennial increases in land tax for landowners.

I just think that is one of the most appalling comments in a second-reading speech that I have read. The fact of the matter is it does not smooth out; it actually gives the government more tax. I am at a loss as to understand why one person sitting around a cabinet table — because these second-reading speeches go to cabinet — would not have said, ‘This is a shocker’, because let me tell you, I think I will put it in my election material to notify the people who pay land tax in Brighton that the government regards a tax increase as a ‘smoothing out’. What a preposterous comment to make.

I also want to make a comment that I do not think Labor governments as a whole understand the impost of land tax on those who pay it. I refer to a letter from a constituent of mine, and I quote:

I am in my 80s having worked hard all my life and saved and invested wisely. I own some rental properties and I am very concerned and shocked at the massive increases in land tax as a result of the booming property market and increased property values.

This poor constituent of mine is going to be hit with even further land tax along the way. He went on to make the comment that he regards the Victorian Treasurer’s comments as an affront because, and I quote him:

I worked extremely hard to provide for my family and enjoy my elder years and I find that most insulting.

That is, when the Treasurer was saying that he benefits from these property value increases. This person is retired. He has no capacity to generate an income to pay for land tax such as this. As a consequence, he said:

The income I was using to live on is reducing. And now I hear that from 2019, land tax will be revalued annually instead of biannually. Talk about a money grab —

and of course that is what it is.

I refer to another letter to me from a constituent who made the comment that her land tax has doubled. She has retired and she has no way of paying this particular land tax. Again I quote:

I support myself from that rental income and one other in my SMSF —

self-managed super fund. She was shocked to receive her land tax assessment this year, she advised me, and she will be even more shocked along the way. Again I quote her:

I find it grossly unfair and inconsiderate. I have worked over 50 years. It was a hard slog getting to where I am.

Lest the Labor Party think that people who pay land tax are all Liberal voters, this constituent of mine informed me that she was a Labor voter. I would ask the Labor Party to take note of that.

As I said earlier, I also want to make references to clauses 33 and 34 relating to electronic service delivery. I would urge the minister to supervise the State Revenue Office (SRO) in the way in which this is implemented. Clause 33 simply says that if someone has actually provided an email address, a fax number or a mobile number, the documents then may be furnished to that particular person. If the person has given an electronic address, then those documents may be sent to that address.

I would draw the attention of the house and the SRO to a constituent of mine who has written me a handwritten note objecting to the methods of payment written on the bottom of her land tax bill, because they are electronic or card options. She made the very valid and simple point to me that she wanted to go to the bank to pay. She is not comfortable with electronic transactions and she wanted to go to the bank to pay. Somebody from the SRO suggested that she speak to her local MP to forward a complaint which could in turn be taken to the Andrews Labor government, and it actually transpired, as I then subsequently found out, that she could pay at the bank. It is just that the SRO and government do not want to tell her she can pay at the bank.

Again I am indebted to the Treasurer for passing on to me a briefing note he received from the State Revenue Office in relation to this issue that I raised. The State Revenue Office said in a letter to which Paul Broderick is the signatory:

This is to promote customers' use of electronic payments and discourage the use of paper-based payments such as cheques.

It then went on to say that these things are in decline. We all know that, but the fact of the matter is there is a

cohort of the population that is not comfortable paying electronically, and I think it is unfair of the government and the State Revenue Office not to even advise people, in many cases elderly people, that they can still pay at a bank. They want to try to force people to make an electronic payment. Mr Broderick went on to say that he was aware that some customers might find this transition challenging, but he then said that my constituent could pay at a bank after all.

What I am seeking to do is to say to the Treasurer that, given the current example of the State Revenue Office hiding from people that they can pay at a bank by not referring to that at the bottom of the bill, I would urge the Treasurer — or indeed the SRO — to be very, very careful, should this bill pass, in their implementation of this. I understand why they want to reduce costs, but to have payment systems that are intimidating to a cohort of the population is actually not fair. People should need to sign up, for example, if they wish to be advised electronically of their obligations and not simply be furnished with a facsimile number as mooted by the example in the bill. I think people should consciously have to sign up to this. I would urge the SRO to still have the so-called old-fashioned methods of payment available out of respect for this poor constituent who has had to write to me about the problems she has experienced with the payment of her bills.

Mr GIDLEY (Mount Waverley) (14:40) — I rise to make a contribution to the debate on the State Taxation Acts Further Amendment Bill 2017, and I note my support for the reasoned amendment moved by the member for Malvern. Here we are again, and it is like *déjà vu* — another bill, another tax hit by this government on small and medium-sized businesses, on families, on households, on those who are seeking to do the right thing to get ahead and to reach their dreams and aspirations but are being held back by this government. I have said previously that it seems to be almost a weekly occurrence when we are in this place that this government in some way, shape or form seeks to increase the cost of living and make life harder financially for households. I will stand up for the residents of Glen Waverley and Mount Waverley if this government continues to hit them as hard as it possibly can, and I know that the opposition will stand up for the whole state of Victoria against these unfair, unjust, grubby tax grabs.

To look at where we should be today based on the comments of the member for Mulgrave, the now Premier of the state — the unequivocal guarantees that he gave to the people of Victoria on so many occasions when he was the Leader of the Opposition, when he was seeking to get the keys to the Premier's office, to

get into the ministerial white cars, the unequivocal commitment on taxes and charges that he made — I go back to 28 November 2014, just a couple of days out from the election, when Channel 7 newsreader Peter Mitchell asked the question:

Daniel Andrews, all the polls say you will be Victoria's next Premier. If you are, do you promise Victorians here tonight that you will not increase taxes or introduce any new taxes?

The Leader of the Opposition at the time — the member for Mulgrave, the now Premier — said:

I make that promise, Peter, to every single Victorian.

Mr Pearson interjected.

Mr GIDLEY — I will repeat it again for the benefit of the member for Essendon. He said, 'I make that promise, Peter, to every single Victorian' — that is, there would be no new taxes or higher taxes.

On 19 November 2014 the then Leader of the Opposition was interviewed at the Sky News election forum. When David Speers asked, 'So, any higher taxes, levies?', he said, 'Absolutely not'. So it was not a maybe. It was not a could be. It was not a, 'We'll look at the books, depending on the budget' position; it was 'absolutely not'.

On 6 November 2014 I note the *Herald Sun* reported that the Leader of the Opposition said Labor would reveal its full costings before the election, but, it continued, that he had no plans to increase fees and fines or increase state government taxes or charges.

We are here today again with another broken promise. I know that the members of the government do not like hearing the unequivocal commitments that the now Premier of Victoria made. I am sorry that they do not like hearing that, but they are going to hear it every sitting week when this government hits families and households in Glen Waverley and Mount Waverley. They are going to hear it every week from the opposition, because we want to ensure that the breaches of commitments, failures on policy actions and, most importantly, lies of this government are highlighted. As I said, it could not be any clearer, based on what the member for Mulgrave said before the election and what he has done after the election. The really sad part about this is the impact that the backflips — the breaches of those solemn, unequivocal election commitments — have on small and medium-sized businesses, on households and on families.

If we take a look at some of the massive increases in state government taxes and charges that this government has foisted upon the people of Glen

Waverley and Mount Waverley and across the state — land tax is up 35 per cent since this government came to office because of its refusal to allow for the changes in property values over that time. It is an unequivocally clear tax grab.

What does that mean for people in my district who might have bought property before the property boom? They are not multimillionaires, but people who have tried to do the right thing: to put a little bit of money aside so that they are not fully reliant on the state in their old age. They might be part-pensioners or they may be fully self-funded retirees. But they have tried to do the right thing and worked hard over their life. Many of them are coming to me on a weekly basis and indicating that the massive tax grab that this government is inflicting on them is making life unbearable for them. The land tax bills cannot be paid and, when you look at that figure of a 35 per cent increase in land tax under this government, you can see why they may think that and therefore have no alternative but to sell that asset in a much quicker time than otherwise would be the case.

As I said, these are not multimillionaires. These are people who have tried to do the right thing and work hard, but they are being absolutely decimated by this government's refusal to ensure there are adjustments so that the land tax grab that it is implementing does not happen. Stamp duty under this government will exceed \$6 billion for the first time. We have got the annual valuations expected to raise \$200 million a year in 2019–20. We know why the government is seeking to move to those annual valuations. It is the reason why they do so many things — that is, to grab more taxes and charges out of households and families. That is something we are unequivocally opposed to. We know that not only do you get less reliable data when you are doing the valuations annually because you do not allow for a greater period of time to be able to increase the accuracy of that data, but you get worse accuracy and you also get an unfair, higher tax grab. The government's own figures indicate that they will raise additional revenue from that. So let us put it out there; let us clear the smokescreen. This is another tax grab from this government that is going to make life harder. That is the only reason they are doing it, and the opposition will stand up against it because it is just not right.

I now turn to what the government have done to families and households, to small and medium-sized businesses, on buying a new car. We are not talking about Maseratis, we are not talking about Ferraris and we are not talking about Porsches. We are talking about cars that do not even qualify for the luxury motor vehicle tax — modest cars. It might be a family car that

is needed because a family is growing. It might be the first car for a daughter or a son who has just got their licence. What has this government done? It has made it harder again because it has increased the taxes that are being charged on new motor vehicles.

Did the member for Mulgrave tell Peter Mitchell that before the election? No. Did the member for Mulgrave tell David Speers at the Sky News election forum? No. Did the member for Mulgrave tell the *Herald Sun* that before the election? No. We know that the member for Mulgrave said exactly the opposite. He clearly said the opposite. The consequences of this tax are that for families and small and medium-sized businesses life is harder. There are many families who cannot use Melbourne's public transport system; they do not have a choice. They need to change their motor vehicles — that is the reality. It does not matter whether you think it is right or wrong. Unless you are living in Laborland or Noddyland, that is the reality. Therefore to make it harder for these people to purchase that motor vehicle when there is no choice is just not right. We know the government has increased electricity prices directly through their \$252 million energy tax on coal royalties. They have introduced the taxi tax and the Uber tax, hiked the fire services property levy and discriminated against people based on introducing a new stamp duty on property transfers between spouses.

Whether it affects the household or family budget in buying a new motor vehicle, or whether it affects people's investments in having to put a little bit more aside with respect to holding an investment property, the government just keeps taking more and more and more. We know that these massive increases in taxes and charges on the property sector are hitting housing affordability, which most think tanks and even people on the centre right of the Labor Party acknowledge flow through to lower yields for investors and increased rents because somebody has got to pay for it. Of course that also reduces the supply of properties coming onto the market. So if you are seeking to purchase another home or if you are seeking to rent another property, your life has been made tougher as a consequence of those decisions.

It is one thing for members of the government to have their heads in the sand and tell Victorians on a weekly basis how lucky they are because of what the government is doing. It is one thing for them to crack open the champagne in the members dining room and to backslap each other on how well they are doing, but they are hurting people in Glen Waverley, they are hurting people in Mount Waverley and they are hurting people across the state. We will oppose these unfair tax grabs of this Labor government.

Mr THOMPSON (Sandringham) (14:50) — I am very pleased to make a brief contribution to the State Taxation Acts Further Amendment Bill 2017. In my time within the political process I can recall a number of occasions when people have been concerned about tax imposts. When the Cain-Kirner levy was imposed, people objected to paying \$100 a year to reduce the state debt.

In the last couple of years I have had a number of people visit my office in relation to the issue of land tax and the burden on self-funded retirees in middle Victoria. These people live in the inner suburbs of Hampton, Highett, Cheltenham, Mentone, Black Rock and Beaumaris. The people who are confronting that burden are not necessarily wealthy people. They are people who might have run their own business in the local high street and who are reliant upon the income from an asset to represent their retirement income. In one particular case the person indicated to me that the land tax burden of the property was greater than the rental income from the property.

There is massive white-hot anger on the part of those people who endeavoured to make plans for their retirement based upon independence, self-reliance and an income stream coming from assets but who now find, as a consequence of the increased land tax burden, that the income stream is not sufficient to meet their needs. In the case of retail premises, land tax is not a cost that can be passed on to the tenant, and so it erodes the investment income that is otherwise available. These are people who might have spent a lifetime working hard to plan and provide for their retirement.

Historically, land tax was a tax that was set at a scale that cut in at a certain point, but as a consequence of the land tax scales not being adjusted to accommodate property price increases, people have been left holding an asset that is appreciating in value but for which the rental income has not necessarily increased. There is this annual land tax cut-in that is providing a massive impost upon their retirement income, and people are not sure what to do. They have less money to meet their other essential outgoings. These might be people aged in their 70s and 80s who have been reliant upon an investment income to pay their way. They are not multiple property owners as such, but modest investors who have sought to make provision for themselves.

As I said, in my time in the political process I have known a number of people who were concerned about the Cain-Kirner \$100 levy to try to redress the debt of the state in 1992, when we saw the loss of Victoria's AAA credit rating, state debt surpassing \$30 billion, the loss of the State Bank and the asset base that the state

had which returned a dividend to the state. People who have not approached me before have been in my office distraught, beside themselves, trying to work out how they will manage to make their way forward when they have traditionally not been reliant on the government.

Another matter that is of major concern in speaking about taxation is the increase in the size of the public service. The recent Auditor-General's report provides a striking focus on the increase. Those people who have been reliant upon private income through their own hard work and endeavours have been perplexed at the increasing size of a bureaucracy that does not necessarily directly contribute to the economic output of the state. There may be some areas where the public service is engaged in building tourism and in increasing investor interest in Victoria — and it is a good investment, but in those areas where there are roles that could be reviewed or that could be conducted more efficiently and not form part of the massive burdening on the taxpayer.

There seems to be a lack of understanding on the part of the government benches. In other parliaments it was possible to look at the backgrounds of those that entered into this place — political advisers, public servants, union officials, teachers — and it was difficult to find anyone who had ever had to pay a payroll, anyone who had ever had to meet the outgoings of operating a business. For those who bought a business, they learned that in doing so you had to pay for the value of the business, you had to pay for the stock, you had to pay accountancy fees, you had to pay the electricity bond, and you had to pay for legal fees, staffing costs and other matters. They had responsibilities. Before someone who is self-employed can take their first dollar, they need to meet their operating overheads. A number of people said that they had to work for 10 months out of the 12 months before they started drawing down an income, from the outgoings that they were otherwise responsible for. Hence there needs to be great prudence in how we manage the resources of the state and how we spend money wisely to relieve the burden from the taxpayer and to enable people to determine where their purchasing dollar might otherwise be directed.

In summary, the chief issue I wish to place upon the record in relation to the State Taxation Acts Further Amendment Bill 2017 in the context of taxation overall is the massive uplift on charges on the part of the Victorian taxpayer, whether that be the electricity price increase for the same service, whether it be the massive uplift in water charges or whether it be the uplift in land tax that is leaving people who had formerly been independent struggling to pay their bills. Mark my words, there is a white-hot anger that has been

conveyed to me through my electorate office on the part of those people who had endeavoured to provide independent income for themselves without reliance upon the government and who had worked hard all their lives.

It becomes incomprehensible as to why there is a reticence on the part of the government to adjust land tax scales in order to accommodate the increase in property prices for those who do have a rental property — it might be in a high street across Melbourne and is now being rented in their retirement years — where they have got to pay a massive uplift in land tax and where there is no adjustment in the land tax rate that otherwise applies. It has been done on a number of occasions historically and is a matter of major, major, major concern for hardworking Victorians.

Mr WAKELING (Ferntree Gully) (14:58) — Here we go — another Labor bill and another tax hike. It seems that this is the modus operandi of this government, that they are hell-bent on increasing taxes and charges on Victorian taxpayers. The State Taxation Acts Further Amendment Bill 2017 is clearly another example.

This is a government that was elected on a promise of no increases in taxes or charges and no new taxes and charges. But we know this government is murky; we know this government is tricky. This is a government that said one thing in opposition and does the complete opposite in government. This is a government where the now Premier stood out on the steps of this Parliament the night before the election in 2014 and, looking down the barrel of the camera, made it very clear to Peter Mitchell of Channel 7 that under a future government that he would lead, Victorians would be safe in the knowledge that there would be no increases in taxes or charges and there would be no new taxes or charges under a government he led. Well, now we know he lied. The term 'lie' might be unparliamentary, so I say that we could use all sorts of words to describe what it is, but Victorians know what it is. Victorians know that it is a lie, and it is up to this government to live up to its word.

As we have seen with so many changes, this is a government that is now seeking to introduce annual land tax evaluations. We are going to have a situation where every year people will have their properties assessed, and that is going to result automatically in an increase in the tax that mums and dads, the business operators, will be paying to this government.

The government did not articulate this before the election. When the now Premier stood out on the steps

of this Parliament looking down the barrel of the camera and he said to Peter Mitchell that there were going to be no new taxes or charges, he did not say, 'But let me tell you: we will be making changes to land tax. We will change from having a two yearly to an annual valuation'. No, we were not told any of that. That was not what the now Premier of this state told us as he was looking down the barrel of that camera. No, he went to an election saying one thing — but as we now know, this tricky, murky government said one thing in opposition and has done the complete opposite in government. That is why we have seen so many broken promises by this government.

No-one was told by this government that they were going to be having sky rails, which will be covered in graffiti. There will be a litany of crime daubed on the sides of these sky rails. No-one was told on the Dandenong line that this was what would be foisted upon them by an incoming Labor government. So many other things that this government has done are so appalling in terms of the way they disregard the Victorian community. They are tricky — murky. That is the way that this government operates within the state of Victoria.

I can only say that Victorians have every right to be upset with this appalling government. We are going to see the government attacking mums and dads who may have extra land. They are now going to be paying more tax to this government. So I call upon the Premier and I call upon the Treasurer to stand up and tell Victorians why it is that they broke their promise — a breach of faith with the Victorian community. This is a Premier that told mums and dads one thing: 'You're safe with us. You won't be facing increases in taxes and charges. You won't be facing new taxes and charges under a government that I lead as the incoming Premier of this state'. And what did the member for Mulgrave do? He broke that commitment. He broke that promise. He introduced a raft of changes, and we are seeing that here today.

Unfortunately members of the government are silent on the attacks by this government on mums and dads in their own community with this appalling increase in land tax — silent in standing up for mums and dads. They are more than happy for their Treasurer to be gouging more money from mums and dads, ripping more money off mums and dads, to ensure that he can prop up the bottom line of this government. No, the government members sit there silent. They sit there more than happy, knowing full well that they are gouging their mum-and-dad local residents. This is a government that does not care about Victorians. This is a government that is more than happy to increase taxes

and charges rather than looking at ways of trying to relieve pressure.

We see the Minister for Energy, Environment and Climate Change telling Victorians the electricity changes that she is implementing with the imprimatur of the Premier would see only a 4 per cent increase — 85 cents — the change out of a \$5 note for a takeaway latte, that is all that Victorians would be facing. You go and tell mums and dads in my electorate, you go and tell mums and dads in any electorate that the increase they are seeing in their power bills is in the order of 85 cents — in the order of 4 per cent. You go and talk to businesses that are now facing the laying off of staff or, even worse, facing closure. You go and tell them that the change from a takeaway latte is going to cover their electricity bills.

We know that is not the case, because this is a government that is more than happy to increase taxes and charges on the Victorian community. It is more than happy to gouge Victorians. They are tricky; they are murky. This is a government that is not focused on helping mums and dads. This is a government that is more focused on gouging the Victorian community than it is on helping the Victorian community. Those opposite should hang their heads in shame over the fact that they are unwilling to stand up in this house to call it out for what it is, to stand up for their constituents and to fight to get cost-of-living pressures reduced on households in this state.

This is unfortunately just another example of the approach of this government, and I know that it will not be the last. We will see more legislation like this in this house. We will hear more silence from those opposite and more platitudes about the benefits of their government when they know full well that they are receiving emails, letters, phone calls and walk-ins at their electorate offices from residents and businesses that are hurting because of the increasing cost of living. For once stop and ask yourself: have we got it wrong? Did we pull the wrong lever? Have we made a mistake? Do we need to do something different to provide some relief to Victorian families? Unfortunately I think the answer is a resounding no: we will only see a continuation of this appalling approach from those opposite, and they will be deemed to be guilty of this at next year's election.

Mr WATT (Burwood) (15:07) — Cast your mind back: it is 28 November 2014. You are watching television. You see a bloke on television and Peter Mitchell says to this fairly affable bloke:

... all the polls say you will be Victoria's next Premier. If you are, do you promise Victorians here tonight that you will not increase taxes or introduce any new taxes?

And the then Leader of the Opposition at the time, now Premier, the member for Mulgrave, said:

I make that promise, Peter, to every single Victorian.

Every single Victorian. Now, when you are casting your mind back all the way to 28 November 2014, you only have to cast your mind back another nine days and you might actually remember the Sky News election forum. I remember the Sky News election forum. I specifically remember David Speers, when he asked the opposition leader at the time, the current Premier, the member for Mulgrave:

So any higher taxes, levies?

And the member for Mulgrave said:

Absolutely not.

Absolutely not. We are not talking about 'maybe', 'maybe not', 'probably not' or 'I'm unsure'; it was 'absolutely not'. Is it any wonder that there is a lack of faith and a loss of confidence in politicians when we have blokes like that willing to lie so blatantly to the people of Victoria? It is an absolute disgrace. I as a politician am ashamed to say that I am a member of this chamber with a bloke that is leading us in this chamber who is willing to blatantly lie to the people of Victoria. How can anybody have any faith in, how can any person believe, anything this man is willing to say? Some would say this is just evidence and that the way you can tell whether he is lying is if he is moving his mouth and moving his lips.

It is clear to me that my constituents knew. They knew 100 per cent. Every single one of them knew absolutely that the current Premier was not going to increase taxes or introduce any new taxes. They knew absolutely, every single one of them, because he told them. They saw the Channel 7 news with Peter Mitchell, they saw the Sky News election forum and they knew that they were safe. They knew they were not going to have to worry about their hip pockets, because the current Premier told them so.

After casting your mind back all the way to 2014 you might want to come back to modern-day times and to today. Today is a dark day because today we have evidence that the Premier has lied. Have a look at this bill. This is a bill full of lies. It is a bill where the Premier has decided that he is no longer interested in keeping the faith. He is no longer interested in maintaining confidence in politicians or government.

He has decided that he has no interest in and has decided that he is going to break that solemn promise, that absolute guarantee that he gave. He is willing to break it again and again and again. How can any single Victorian have any faith in this bloke as our Premier? He is an absolute disgrace, and he should hang his head in shame. I as a member of Parliament do not have a warm feeling in my heart today knowing that I have a Premier who is willing to so blatantly lie to the people of Victoria.

When we look at the increases in taxes, we are talking about massive increases here. We are talking about land tax. Over the last little while, since the Premier said that he would not increase taxes or introduce any new taxes, we have seen him increase land tax by 35 per cent. Does he know what happens when you increase land taxes? When you increase land taxes, that means that people with properties that they are renting out will do one of two things: either they will have to go without extra food on the table because they cannot afford it because they have to pay their taxes, or they will jack up rent.

The government over the last little while has been talking about renters, the effect on renters and how it is going to be the saviour of renters and make sure that the renters are all looked after. I hear that crap all the time. What about land taxes, and what will this do to renters? It is going to jack up the rent. A 35 per cent increase in land tax jacks up rent. You need to understand the basic premise that if you own land and your charges go up, you do not absorb them, because the only way to absorb them is to go without, and you do not really want to go without. So what you do is the next time you have the capacity to increase the rent, you do. Your rent goes up. The fact that the government cannot comprehend that is just astounding, I tell you. I have to wonder whether this is incompetence or something more sinister. Is it more sinister?

Stamp duty will exceed \$6 billion for the first time under this government. Then consider that the government will now, through this bill, introduce annual valuations. There are a myriad of people who are screaming about these annual valuations. Let us not worry about the conflict of interest that exists when the government is the one that will do the valuations and the government is the one that will receive extra money because of those valuations, once again increasing land tax. These valuations that will happen every year will be done by a government bureaucrat. While I generally have a fairly high regard for the valuer-general, I make the point that there is a conflict with the government making these valuations and then the government receiving taxes because of those valuations. When the government decide that they need a bit of extra cash, all

they will do is jack up valuations — and Bob's your uncle, here is another broken promise.

As a member of Parliament when I come in here I do not take any delight in seeing a Premier who is willing to lie blatantly to the people of Victoria. I say as a member of Parliament that you should do what you say and say what you do, and if you say 'no new taxes', if you say 'no increase in taxes', that includes no change in the valuations so you can scoop more money out of people's pockets. When you say 'absolutely not' when asked if there will be any higher taxes or levies, you should absolutely not break that promise; you should absolutely not lie to the people of Victoria.

As a member of Parliament I agree with the reasoned amendment that has been moved, which will hold the government to account. The government needs to be held to account. The Premier needs to be held to account. The Treasurer needs to be held to account. The Premier cannot be allowed to get away with lying time after time after time.

We have 12 taxes that have been either increased or newly introduced. We have massive increases in taxes. There is the \$252 million in new energy taxes through coal royalties. The government said 'no new taxes', but here is one. We see the taxi and Uber tax. The government said 'no new taxes', but now says 'don't worry about that one'. We have the fire services property levy. That is interesting; it is a levy. I thought when David Speers asked him, 'Any new taxes, levies?', the Premier told him, 'Absolutely not'. Well, how does he explain the fire services property levy hike, or the increase in stamp duty or the fact that he is jacking up rent for renters through his increased taxes? Do not lie.

Ms RYAN (Euroa) (15:18) — I am pleased to be able to rise today to make a contribution to the debate on the State Taxation Acts Further Amendment Bill 2017 and to speak in support of the reasoned amendment that has been moved by the member for Malvern. As other speakers on this bill have mentioned, we all remember on the eve of the last election the now Premier being asked on TV:

Daniel Andrews, the polls say you will be Victoria's next Premier. If you are, do you promise Victorians here tonight that you will not increase taxes or introduce any new taxes?

And he said:

I make that promise, Peter, to every single Victorian.

We now know that that was a lie, that was a false promise, as since the Premier was elected Victorians

have been hit with 12 new taxes, which the member for Burwood just outlined. This bill is yet the latest.

Central to the bill is the move to centralise the role of land valuations with the valuer-general and to take that function away from local government. That is a particular concern for members of Parliament representing country areas. In many cases those valuations are being undertaken by rural firms, which are going to see significant job losses as a consequence of the centralisation of this role with the valuer-general. Of course there are also councils that have locked in contracts with particular valuers. They now face a challenge as a consequence of that and possibly a loss of revenue.

But of course the bigger and more sinister motive behind the change is about moving to annual land revaluations instead of the current two-year cycle. That gives the government a very easy mechanism for jacking up land tax, plugging any holes in the budget that they might have and making property owners have to wear the consequences of that. As the member for Burwood, who just spoke, mentioned, we have also seen increases in the fire services property levy.

This issue around taking more and more money from property owners of course runs directly counter to the narrative from the government around rate capping, and that they are in fact trying to ease the burden on property owners by capping rates. There have been a number of people who have pointed out the hypocrisy of that. I see the Municipal Group of Valuers have written to most members of Parliament, I imagine, to outline their opposition to this bill. They sent correspondence which states:

Sixteen good reasons why it's not a good idea for the state government to take over the statutory evaluation processes from local government in Victoria.

They have pointed to the fact that there will be extra costs in producing a new valuation every year, with no material benefit to the community. They have also raised the concern that by undertaking an annual revaluation, you would end up with complete unpredictability in people's rates each year because there is the potential for them to fluctuate wildly. As they say, that is again in direct contrast to the reasons the government has been giving around rate capping and the fact that rate capping apparently smooths the bill shock for people and gives them a greater deal of certainty. Of course by moving into annual land revaluations, you take that away.

The City of Ballarat is another council that has expressed deep concerns about the government's plan

and has written to members of the house asking them to vote against this bill. I would hope that the member for Wendouree and the member for Buninyong have taken note of the position of the City of Ballarat. They have warned that this will provide a revenue windfall for the government, but the impact on local government will be significant without any real positive outcome. I suppose that is at the very heart of this bill — that it is a grab for cash by the government, and it is in direct contrast to the commitment that the Premier gave Victorians on the eve of the last election.

I do want to touch on the changes in this bill to payroll tax to exempt apprentices and trainees who are placed within a group training organisation (GTO). I think it is somewhat devious of the government to put this payroll tax exemption in a bill that they know for entirely other reasons the opposition will find unpalatable. I have no doubt that when we vote against this bill, we will find that the government runs out and tells group training organisations that we have voted against payroll tax exemptions for them. I want to make it very clear that that is not what we will be voting against, and I think the reasoned amendment moved by the member for Malvern makes that apparent.

I think group training organisations do a fantastic job in Victoria, particularly through the Apprenticeship Employment Network. They do a wonderful job connecting people to real jobs. They are obviously jobs focused, and that is their primary outcome. But I would be very concerned to see anything from the government that would indicate that perhaps our position on this bill is an effort to vote against payroll tax exemptions, because it certainly is not. We are supportive of those aspects of the bill.

In fact I think that support for group training organisations is incredibly important at this time. Since Labor was elected we have seen a 20 per cent reduction in the number of apprentices and trainees in this state. Of course, as I have outlined to the house before, we have a training system that is struggling greatly with the 30 per cent reduction in the number of students enrolled in training in Victoria and huge reductions in TAFE staffing, with up to 960 ongoing positions lost in the TAFE sector in the last two years under the Premier. So there are significant challenges within the training sector that we acknowledge, and I think a payroll tax exemption for GTOs is a good initiative for them, but on balance with the rest of the nasties built into this bill, it is simply not a bill that we can vote for.

I did want to mention that back in February 2016 the Premier and the then Minister for Training and Skills, Steve Herbert, actually went down to Geelong to meet

with group training organisations to tell them that they were giving them a funding boost. At the time they pitched it as them stepping in to rescue group training organisations after the federal government cut their funding, and they told them that they were giving them extra funding. Interestingly enough that extra funding never appeared; the government made a commitment that it did not deliver on. All it simply did was continue a longstanding commitment that was actually put in place by Peter Hall towards the funding of GTOs in Victoria. The share of funding that the government said it was going to pick up from the commonwealth and that the Premier made a big song and dance about actually never eventuated.

Yet again we have another example of where the Premier has been happy to go out and tell the media one thing, but when it comes to the reality he has walked away from what was a very public commitment, just like he did when he came out onto the front steps of Parliament before the last election and told the media that he would not increase taxes and when he gave that promise to every single Victorian. On that basis I wish to commend to the house the reasoned amendment moved by the member for Malvern. I hope that those on the opposite side realise the importance of upholding the commitment they made before the last election and they support that reasoned amendment. But if that reasoned amendment fails, then I do not see how I can in all good conscience support this bill that will jack taxes up on Victorians yet again.

Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation) (15:28) — I move:

That the debate be adjourned.

House divided on Ms Kairouz's motion:

Ayes, 43

Allan, Ms	Languiller, Mr
Andrews, Mr	Lim, Mr
Blandthorn, Ms	McGuire, Mr
Bull, Mr J.	Merlino, Mr
Carbines, Mr	Nardella, Mr
Carroll, Mr	Neville, Ms
Couzens, Ms	Noonan, Mr
D'Ambrosio, Ms	Pakula, Mr
Dimopoulos, Mr	Pallas, Mr
Donnellan, Mr	Pearson, Mr
Edbrooke, Mr	Perera, Mr
Edwards, Ms	Richardson, Mr
Eren, Mr	Scott, Mr
Foley, Mr	Spence, Ms
Graley, Ms	Staikos, Mr
Green, Ms	Suleyman, Ms
Halfpenny, Ms	Thomas, Ms
Hennessy, Ms	Thomson, Ms
Howard, Mr	Ward, Ms
Kairouz, Ms	Williams, Ms

Kilkenny, Ms
Knight, Ms

Wynne, Mr

Noes, 38

Angus, Mr
Asher, Ms
Battin, Mr
Blackwood, Mr
Britnell, Ms
Bull, Mr T.
Burgess, Mr
Clark, Mr
Crisp, Mr
Gidley, Mr
Guy, Mr
Hibbins, Mr
Hodgett, Mr
Katos, Mr
Kealy, Ms
McCurdy, Mr
McLeish, Ms
Morris, Mr
Northe, Mr

O'Brien, Mr D.
O'Brien, Mr M.
Paynter, Mr
Pesutto, Mr
Riordan, Mr
Ryall, Ms
Ryan, Ms
Sandell, Ms
Sheed, Ms
Smith, Mr R.
Smith, Mr T.
Southwick, Mr
Thompson, Mr
Tilley, Mr
Victoria, Ms
Wakeling, Mr
Walsh, Mr
Watt, Mr
Wells, Mr

Motion agreed to.

Debate adjourned until later this day.

**TRANSPORT LEGISLATION
AMENDMENT (ROAD SAFETY, RAIL AND
OTHER MATTERS) BILL 2017**

Second reading

**Debate resumed from 2 November; motion of
Mr DONNELLAN (Minister for Roads and Road
Safety).**

Mr HODGETT (Croydon) (15:35) — It is a pleasure to rise to lead the debate for the opposition on the Transport Legislation Amendment (Road Safety, Rail and Other Matters) Bill 2017. At the outset I put on the record that we are not opposing this bill, but I wish to make a number of points in my contribution. I wish to talk about the purposes of the bill and what it is seeking to achieve. I might put on the record some data around drug driving and drink-driving just to highlight the seriousness of this problem. I will then leave it to others to make contributions to the debate.

The bill seeks to increase deterrence measures for drink-driving, drug driving, unlicensed driving and excessive speeding as well as making improvements to our rail safety and rail access schemes. The measures outlined in the bill are sensible and reasonable. They are dealing with the road toll issue we face in Victoria and with issues of road trauma and the problems of drug driving and drink-driving. That is why we are not opposing this bill.

The purpose of the bill is to amend various aspects of laws relating to drink-driving and drug-driving offences, to simplify the scheme for the impoundment and forfeiture of motor vehicles following road safety offences, to adjust the penalties for unlicensed driving and to simplify the operation of the demerit point scheme in relation to road safety offences. The bill also reforms the Victorian rail access regime in the Rail Management Act 1986, whereby a new rail access regime will replace the formal scheme currently in place by removing the Essential Services Commission's role in setting standards and approving agreements. It also reforms the Rail Safety (Local Operations) Act 2006. I will come back later in my contribution to talk briefly about some areas around that in relation to feedback we got from stakeholders in the rail freight industry.

I now turn to the bill to look at the main provisions. The bill amends a number of acts, including the Road Safety Act 1986, the Road Legislation Further Amendment Act 2016, the Rail Management Act 1996 and the Rail Safety (Local Operations) Act 2006. In addition to the main purposes that I just outlined, the bill provides for the introduction of behaviour-change programs for persons who commit drink-driving offences. It makes changes to allow Victorian motorists to be able to register their light motor vehicles for periods of three or six months in addition to the current option of annual registration, and ensures that the current 28-day grace period for the payment of the Transport Accident Commission charge associated with the registration of light motor vehicles is extended in three-month periods.

The bill also provides for the drug testing of persons engaged in rail safety work. We think that is a sensible provision and something that has been picked up in this bill by the minister. We welcome that. It also provides improved transparency of access to rail infrastructure for rail freight services. As I highlighted just a moment ago, I will come back and briefly touch on that later in my contribution.

The main purpose of the bill is set out in the bill. I will just touch on the main clauses, which outline what it is attempting to do. The main purpose of chapter 2 is to implement reforms aimed at reducing deaths and injuries on Victorian roads. That includes the cancellation of a drivers licence or learner permit and disqualification for a minimum period following a finding of guilt or conviction for any drink-driving offence; the imposition of a mandatory alcohol interlock condition on any drivers licence or learner permit granted following disqualification because of a drink-driving offence; and the introduction of a

behaviour-change program for persons found guilty or convicted of drink-driving and drug-driving offences.

The minister in his second-reading speech quite clearly articulated what the problem is and what the government is trying to address when we look to the ongoing problem of the road toll and we look to improving road safety measures and everything that this bill sets out to do. The minister talked about the launch of *Towards Zero* in May 2016 and with what measures the government has been seeking to do that. I think we have bipartisan support or a bipartisan approach to road safety. It is an important matter. One life lost on the road is too many, and any measure that we can seek to support in driving down the road toll and improving safety is a good thing.

In effect the main part of this bill that captured our attention and my attention as the shadow minister responsible for it is where it is closing that middle gap. We had .01 up to .05 — or .049, I think, technically; then we had that .05–.069 range; and then .07 and above. In effect this is bringing that .07 and moving that automatically back to .05, so it removes that middle category, if I am making sense there. What it does now is that if you are caught with a blood alcohol concentration in excess of .05, those measures will kick in — automatic disqualification of licence, you will get a fine, you will have to have a mandatory interlock device fitted to your car and you will have to go through the new behaviour-change program to change your attitude towards drink-driving.

Not for one minute are we on this side of the house suggesting that anything above .05 is acceptable. We understand community expectations these days and community attitudes around drink-driving. Again I note that in his second-reading speech the minister spoke about close enough not being good enough. But naturally when we went out to consult with stakeholders about this bill people looked at it and said, ‘Hang on a minute, what are these changes and what do they mean?’. I guess the example comes up where you might have a senior person, 60–65 years old, with an unblemished driving record. They have been driving for 40, 45, 47 years and have never had an offence — they have never been caught drink-driving or anything like that. They have a perfect driving record. The example given to me is that they might be out for dinner with the family, they go to the toilet or something, someone tops up their glass, they finish their drink, they proceed to drive around the corner and they get picked up when a little bit over .05. Again I put on record that we are not suggesting close enough is good enough — we are not sticking up for drink-drivers at all — but naturally

stakeholders raised this as an issue. How would you deal with that?

Minister, I put on record my thanks to the people who helped us at the bill briefing — particularly Roger Wilesmith, your senior adviser, was very helpful with some statistics and information, as well as your two officers in the chamber today. They said that in that set of circumstances the person would still have the option to take the matter off to court and seek some discretion from the court. We were able to provide that information, that answer, back to stakeholders to say that if circumstances were such that you thought you were dealt with a bit harshly under these measures, you would still have recourse where you could take that off to court. We welcome those measures.

The bill introduces other reforms, including increased penalties for drug-driving offences and the imposition of mandatory alcohol interlock conditions in relation to certain interstate offences, as I have said; the simplification of the vehicle impoundment and forfeiture scheme; reforms to the description of defences to and penalties for offences relating to unlicensed driving; the simplification of the demerit points scheme; the rationalisation of provisions relating to the service of notices under the Road Safety Act 1986; and amendments to improve the operational effectiveness of the Road Safety Act 1986.

As I said in my introductory comments, it does make some technical amendments to the Road Safety Act and goes on to make some changes to the Rail Management Act 1996 and the Rail Safety (Local Operations) Act 2006 to establish a new rail access regime and makes further provisions in relation to the drug and alcohol testing of rail safety workers. I will not go into that too much — I think the minister clearly outlined that in the second-reading speech and what was intended there.

There are a couple of other provisions. It makes a technical amendment to the provision that allows for the parliamentary disallowance of the national regulations made under the Rail Safety National Law (Victoria) and amends the Tourist and Heritage Railways Act 2010 to provide that the tourism and heritage railways registrar must be an employee of the Public Transport Development Authority.

Finally, if I can just raise the main purposes of chapter 4 — sorry, I have gone over chapter 3; the provisions I have just mentioned were in relation to chapter 3 of the bill. Chapter 4 is to amend the Transport (Safety Schemes Compliance and Enforcement) Act 2014 and the Port Management Act 1995 to make minor and technical changes to improve

the operation of those acts and to make changes of a statute law revision nature, and to amend the Transport Accident Act 1986 so that the 28-day grace period for the payment of a transport accident charge applies to a registration of three months or more. Finally, it amends the Marine (Drug, Alcohol and Pollution Control) Act 1988 to make minor changes to the provisions of that act and enable regulations to be made in relation to the storage and provision of blood samples.

As I said, what this bill is trying to achieve a reasonable person could not argue against. We think they are sensible measures. We think they reflect community expectations around drink-driving, drug driving, unlicensed driving, speeding and all those sorts of things. It is seeking to increase the deterrence measures around all of those things. Hopefully we will see this bill actually come into effect and see it having an impact and result in a better road toll.

As a shadow spokesperson in these areas, you learn a bit yourself as you go through some of these bills, reading the bills and getting thorough bill briefings.

Ms Allan — Good, we are helping your education.

Mr HODGETT — It is helping my education indeed, Minister. I was actually most interested and taken aback a bit around the whole issue of drug driving and the challenge this provides for the government of the day and even the cost. The ongoing problem of drug driving and what that means and the actual cost to try and tackle this problem are staggering. Some figures that were given to me suggest that 100 000 tests cost about \$18 million, which is a significant cost to the state's budget.

Mr Donnellan — It's bloody expensive.

Mr HODGETT — Yes, very expensive. I think the test kits are only about \$30, but to actually go back to Victorian Institute of Forensic Medicine, I think it was, is about \$400 a test. It needs to be done, but it just shows the allocation of the state budget that is put towards an element of road safety. I think that is going to be an increasing challenge and concern for the government of the day with how they continue to test and try to stamp out that drug driving. I must say, as a parent of seven children —

Mr Donnellan interjected.

Mr HODGETT — A well and truly good Catholic boy, Minister. It is pleasing and refreshing as a parent to see the behaviour changes in kids these days. When my kids do go for a night out and have a few drinks, there is a designated driver or they make alternative

plans, so the message, Minister, is getting through well and truly. Kids will adjust behaviour or have a designated driver, and I think it is fantastic to see that that has changed. Probably back in our day when it was not policed as much and we did not have random breath testing it was not as —

Mr Eren — We weren't as virtuous.

Mr HODGETT — Indeed. And the issue of drug driving will continue to be one we fight, but any deterrence we can give I think is a good thing. I welcome the behaviour-change programs. People need to know about alcohol and impairment and about how much they can drink when they go out — or not at all, as many of them are doing these days. I put that on record from my own experience as a parent with my children.

In terms of people consulted I should thank the RACV, the Victorian Transport Association and some consultancy companies. We sought the view of Public Relations Exchange, which deals a lot in the transport industry. We also sought the views of Whiting Moyne, the strategic road safety advisory consultancy, and also the Wakefield Transport Group. The feedback and comments we got were most helpful in terms of assessing the bill. As I have mentioned already, there was that concern about the perfect driving record and what that might mean with these new penalties, and I have addressed that. But the second area that was raised as a concern by some of the transport companies is that the bill, as I have outlined, seeks to reform the Victorian rail access regime whereby a new rail access regime will replace the formal scheme currently in place by removing the Essential Services Commission's role in setting standards and approving agreements. Stakeholders have asked or questioned how that new regime will work, whereby the minister will in effect be the decision-maker here.

The minister in the second-reading speech argues that this new regime will reduce red tape, enable administrative cost savings and facilitate improved transparency of access to rail infrastructure for rail freight services. The minister went on to state that the current regime was designed at a time when Victoria's regional rail freight network was managed by a private freight operator, and this regime is no longer appropriate given that the rail freight network has been bought back by government. The Minister for Public Transport, I understand, will provide guidance to Public Transport Victoria (PTV) and rail network managers on proposed access arrangements and set a maximum price that can be charged for access. To ensure fairness, formal processes will be in place in case of a dispute between access seekers and providers.

At the bill briefing further reassurance was given that the government wish to encourage the use of rail infrastructure for rail freight services. That is a good move; that is something we support. Something we talk about a lot is trying to get more freight onto rail. So at the bill briefing we were given further reassurances about encouraging the use of rail infrastructure for rail freight services. The minister in conjunction with PTV can, will or may appoint a facilitator to ensure fairness, oversee the formal processes and settle any dispute. It was stated that the old system was geared towards the bigger players, and the government wanted to also ensure access for smaller players in the freight industry. I guess, hand on heart, we will take that at face value. I have no doubt, as the minister is in the chamber and he knows Ken Wakefield very well, that Ken will let us know if that —

Mr Donnellan — Very loudly.

Mr HODGETT — Very loudly Ken will let us know if it is not working as intended, but certainly the feedback we got was, ‘Yes, we’ll wait and see, and we support anything we can do to get more freight onto rail’. We, as well as those transport operators, understand about the slots on the rail and passenger rail versus freight rail and the challenges around that. I think if we can get more freight on the network and if we can have a change where, while the old system might have been geared towards the bigger players, we give access to smaller players, again I think that is a welcome thing and a good thing. We will wait and see how that works and no doubt raise any issues with the minister if that does not work as intended.

The final thing I would like to do in the time remaining is thank Roger Wilesmith, senior adviser to the minister, as he did provide some data. I think it is probably important in the context of this debate to get some of that on record, because it balances it up with where the government is trying to go with reducing the road toll and reducing road trauma and the cost to society and the community around that in relation to how big this problem is. I am a person that very much bases decision-making around data. I must admit when I had the bill briefing and had stakeholders raise concerns about that middle gap as it stands now — the .05 to the .069 and the changes that this bill is seeking to make — I thought the easiest thing to do is to get onto the Monash University Accident Research Centre and ask, ‘How big a problem is that middle gap?’. Roger was very helpful in terms of getting some data around that, and to do credit to that I will just get some of that on record, into *Hansard* and into the debate.

In terms of how much drink-driving contributes to road trauma in Victoria, I was informed that Victoria has progressively strengthened its drink-driving laws resulting in contributions to road deaths dropping as low as 15 per cent. But despite this, drink-driving deaths have started to rise again, with preliminary 2016 figures showing drink-driving was responsible for 23 per cent of all driver fatalities. That is a significant figure, obviously quite high, and it is a concern for all in this place and indeed the other house. If drink-driving deaths are starting to rise, it is no wonder the government is turning its attention to some of these measures.

In terms of what the contribution is of .05 to .069 offences to road trauma, drink-driving at any level is high-risk behaviour. Impairment is detectable from .02 blood alcohol concentration (BAC), but at .05 BAC the crash risk is double that of a driver with a zero BAC reading, so again that is a significant piece of information. On average there are three deaths, 21 serious injuries and 33 less-serious injuries every year among drivers with a BAC reading of between .05 and .069. That was significant for me, when people were saying, ‘What about a perfect driving record?’, because if you look at the stats — three deaths, 21 serious injuries and 33 less-serious injuries every year amongst drivers in the range between .05 and .069 — it is hard to mount arguments against what this bill is trying to achieve. I should add that these figures do not include others killed or injured by the drink-driver. These deaths are about the person with a blood alcohol concentration in their body. They are not counting other road deaths that might have been caused as a result of that.

It is staggering how many people are caught drink-driving every year. Depending on the level of active enforcement, up to 12 000 drink-drivers per annum are detected in Victoria. That is clearly a shocking stat, 12 000 drink-drivers per annum. Up to 3000 full drivers licence holders are caught drink-driving between .05 and .069 BAC each year. Drink-driving at .05 to .069 BAC is the second most common Victorian drink-driving offence after .07 to .099 BAC offences. Two Victorian evaluations indicated 15 to 20 per cent of drivers with a .05 to .069 BAC offence are caught reoffending within five to 10 years. Again this is solid evidence of what this bill is trying to do in terms of increasing the deterrence measures for drink-driving, drug driving and a range of other measures.

In terms of introducing these measures for low-range drink-driving offences, it is back to the argument of ‘a little bit over is not acceptable’. The current penalty for most drivers of 10 demerit points does not sufficiently,

in the evidence given to us, deter this behaviour. A recent evaluation of Victorian drink-driving laws showed that a licence ban combined with an alcohol interlock upon relicensing is very effective in reducing drink-driving. The study found that while drivers were banned, there was a 70 per cent reduction in repeat drink-driving and a 79 per cent reduction in crashes. Non-drink-driving offences and crashes were also reduced, and the effects of licence bans on driving behaviour lasted after relicensing. The study also found a 63 per cent reduction in repeat drink-driving while an interlock is installed. Alcohol interlocks are extremely effective in eliminating drink-driving; however, some drivers circumvent the requirement by driving a vehicle without an alcohol interlock. If detected, penalties comprise of a fine of up to \$4740 or imprisonment of up to four months.

That shows how seriously we take the offence of drink-driving, so we are not opposing the bill. I think those measures will do what the bill is seeking to do, which is to address that behaviour. People can say, 'I've been hit with a fine, I've been disqualified, I'll have an alcohol interlock device, a behaviour program', but certainly those measures, if they are as these studies are showing, are addressing some of those issues and that is a good thing.

I might raise now the member for Gippsland South. I know we are not going into consideration in detail on this bill, but I will put it on record here. The member for Gippsland South did raise with me that a business in his electorate that fits alcohol interlock devices had informed the honourable member that those on concession can actually get a concession for the installation. We questioned the sense of that. If you are caught speeding, you do not get a concession; if you are caught drink-driving, you do not get a concession on the fine. So there might be a valid answer for that, but if you are drink-driving and you need to have an alcohol interlock device fitted to your vehicle, it seems odd for one segment of the community to get a concession for exactly the same offence where another does not. Whilst not necessarily expecting an answer on that now, it might be something that we can discuss at a later time. We would be interested in that, and the member can perhaps go back and tell his community why that is the case.

I have mentioned drug driving. These figures astounded me; I think it is a real problem. The government of the day and future governments, I think, are going to have to put significant effort into that problem. The member for Benambra did raise with me, when we talked about drink-driving, how you can go up to .05 because you can measure levels of impairment. Of course with drug

driving there is no measure of impairment; you are either positive or negative. So again we were most interested. It is not a question for the minister or the government, but it would certainly be worthwhile doing some work around any efforts to be made in future about drug driving and levels of impairment and how our future laws might reflect that. It might be a good project for one of Peter Lochert's interns — one of the parliamentary interns — to study that sort of thing.

How much does drug driving contribute to road trauma in Victoria? Drug driving is a significant contributor to road trauma in Victoria. In 2014 the number of fatally injured drivers with illicit drugs in their system exceeded the number of fatally injured drivers with a BAC of .05 or higher. For the same period, the number of seriously injured drivers from illicit drugs and from alcohol was similar. In 2015, 12.1 per cent of all fatally injured drivers had illicit stimulants in their system and 18.1 per cent had THC, cannabis, in their systems. In 2016 the comparable figures were 17.5 per cent and 13.8 per cent, so that gives you an idea of the size of the problem, the battle we are dealing with and how many people get caught drug driving every year. Depending on the level of active police enforcement, up to 9000 drug drivers are caught every year. The majority of these drivers are issued with a traffic infringement notice rather than attend court.

Again I thank Roger Wilesmith for those figures from the minister's office, but 12 000 drink-driving offences a year and 9000 drug-driving offences is staggering. I think anyone that is a road user, a parent or a person who has members of their family driving on the road would want to have a level of comfort that other drivers around them are not over .05 or are not drug driving and doing the range of other things — unlicensed driving, excessive speeding and so on. So we are not opposing this bill. We think the measures will increase deterrence for drink-driving, drug driving, unlicensed driving, excessive speeding and those sorts of offences.

On the other provisions in the bill, I think the clean-up of the demerit points so that people are not hit with a double whammy is fair and reasonable. We think the changes where offenders are caught driving unlicensed for the first time and the loss of vehicle and all those drink-driving measures are sensible. Again I am staggered by the cost of drug driving, with 100 000 tests costing \$18 million. You think if that were not a problem, what you could do with \$18 million in your electorates or in the community in general.

I thank all those stakeholders that we were able to consult and had input into this bill. It certainly makes my job as shadow minister on this much easier and

allowed us to run it through our own party room processes and have a good debate around that. I thank those involved with the bill briefing. We are not opposing this bill. We think the main provisions of the bill that relate to drink-driving and drug-driving offences are sensible and in line with community expectations, as I said a number of times through my contribution, with a continued focus on road safety and the deterrence of unlicensed driving, drink-driving, drug driving and excessive speeding.

We as a coalition think it is important to support measures that improve road safety and eliminate road trauma. As I said, I am sure others will make contributions in relation to the Transport Legislation Amendment (Road Safety, Rail and Other Matters) Bill and highlight some of these facts, but we do not oppose it. We will continue to monitor those areas of freight management and see how they work in practice. As outlined in the bill and in the minister's second-reading speech, I have some level of confidence that they will operate in line with how they are meant to operate.

Mr EREN (Minister for Tourism and Major Events) (16:05) — I wish we did not have to have legislation like this before the house, but unfortunately we do. Common sense has to prevail here. I think in large part the community needs to understand that they cannot continue to break the law when it comes to particularly drink-driving and drug driving. I concur with the member for Croydon in his sentiments about the road safety issues being bipartisan. It is important that oppositions and governments do not use them as a political tool. I commend the minister in relation to the bill before they house because I think it will go a long way to prevent some of those preventable deaths that we have and certainly the grief and anguish that is caused as a result of car accidents, particularly in instances where someone is seriously injured or at worst has died as a consequence of that car accident, and if it particularly involves alcohol or drugs, obviously it is a very sad state of affairs.

In the Parliament between 2006 and 2010 I was chair of the Road Safety Committee, which was a very formidable committee that was respected by all parties in the house and in the Parliament. We did a lot of great work. I recall when we were the architects at that time of introducing laws to make our cars safer, with the implementation of electronic stability control and side curtain airbags for every new passenger vehicle that was registered in Victoria. They had to have those safety features within them, and it was estimated that by having electronic stability control in every vehicle in Victoria we would save some 100 lives on the roads.

Victoria has always led the way nationally when it comes to road safety. Even when we were travelling to investigate certain matters relating to road safety we heard across the globe from road safety experts on how Victoria had led the way in so many different areas. In fact there are many in-car technologies that will prevent a lot of accidents on the roads. We know back in the 1970s there were literally hundreds of people dying on the roads — over 1000 annually — and we have reduced that considerably over the years. That is due to education. That is due to some technologies coming on board in cars, like lane departure warnings and brake assist, which stops the car if you for whatever reason are distracted and do not see what is ahead of you. The car applies the brake automatically to stop the vehicle. So there are a number of technologies that are coming on board to prevent these sorts of accidents.

On record in *Hansard* I want to go through and refer to my notes in relation to what this bill will entail. The purpose of the bill is to support the implementation of key government commitments set out in *Towards Zero 2016–2020: Victoria's Road Safety Strategy and Action Plan*. The bill will strengthen penalties to improve road safety and the effectiveness of regulation made under the Road Safety Act 1986. This bill will also reduce red tape and enable improved transport safety outcomes through reforms to the Victorian rail access regime and alignment of drug-testing requirements in the rail and marine sectors.

This bill includes key legislative changes such as mandatory driver licence and learner permit cancellation, and disqualification for all drink-driving offenders; mandatory alcohol interlocks for all drink-drivers over the legal limit on being relicensed; separate excessive speeding penalties from the demerit point scheme; minimum suspension period for excessive speed increased from one month to three months, with complexity reduced through the removal of the additional demerit point penalty; and an increase to licence suspension and disqualification periods for failing a drug test. We also support the implementation of more effective behaviour-change programs, and that was highlighted by the member for Croydon, including assessment and screening of people with alcohol problems.

It reforms the Victorian rail access regime to reduce red tape imposed on network managers accessing the regional and metropolitan rail tracks by freight operators. It further facilitates drug-testing requirements for rail safety workers by enabling transport safety officers and police officers to test the use of illicit drugs by rail safety workers.

As has been pointed out, unfortunately 20 per cent of road deaths are occurring as a result of drink-driving, and studies show that a reading of .05 doubles the risk of serious injury or death compared to someone with a zero reading. Twenty per cent of road deaths is one in every five deaths that occur on the road being related to alcohol-related driving offences. That really is an alarming statistic considering that there has been so much education around drink-driving and so much education in terms of trying to change the behaviour of drivers on the road. Considering all of those efforts over many years, it is still a problem, which means that we need to do more in terms of legislation to make it tougher on those that just will not learn.

We know that drink-driving at any level is a high-risk behaviour, and unfortunately there are still people that do those sorts of things on the road which they should not do. Of course it is incumbent on governments to ensure that we protect those drivers — people who need protection themselves. Clearly nobody wants to get behind the wheel thinking that they are going to die. None of them do. Unfortunately, because they are impaired, they do not think of the worst-case scenario. But it also about protecting those people on the road who are doing the right thing, but unfortunately are caught up in some of these accidents where they are victims of drink-driving and drug driving.

The penalties for drink-driving have been progressively strengthened, as I have indicated, including increased licence bans, higher fines and the introduction of alcohol interlock requirements. This is all a reflection of the community's opposition to drink-driving. In fact when I was overseas I learnt some of the jurisdictions around the globe have to have a reason to actually pull you over. They cannot just randomly pull someone over for doing nothing wrong. Now, when you look at Australia, if people do not actually see a booze bus, they complain that they do not see a booze bus and they say, 'What is going on? Why aren't the police doing their job?' Other jurisdictions find it really difficult in terms of privacy to implement that very important measure that we have progress on right here.

In the time remaining I just wanted to highlight some of the issues in this bill that relate to drug driving. We know that unfortunately drug use is increasing for varying reasons and that is clearly a social problem. But when you combine that social problem with a situation where they actually take illicit drugs, which impairs them dramatically, and then they drive, putting themselves and the community at risk, then that is an issue for law enforcement. It is not just the types of drugs that we know. We know that synthetic drugs, which are hard to detect through drug testing, are being

used as well, and certainly we have had some legislation relating to synthetic drugs coming through this house.

The contribution drug driving is making to our road trauma is increasing, unfortunately. Nine thousand drug drivers are caught in Victoria every year, proving that of course more must be done. This bill increases the licence suspension for a first drug-driving offence from three months to six months to deter this behaviour. Repeat offenders will face licence cancellations of at least 12 months disqualification from driving. All drink and drug drivers will also complete a new behaviour change program to prevent further offending and address underlying health issues.

The current licence penalties for failing a drug test are not proportionate to the crash risk associated with many of the drugs detected by the test, particularly when compared with penalties for drink-driving. In addition to improving deterrence against driving under the influence of drugs or alcohol, the bill will make sanctions for excessive speeding clearer. Excessive speeds of 25 kilometres an hour or more above the limit carry very high crash risks, similar to a blood alcohol content of .02 or more.

Unfortunately, as I have indicated earlier, we would prefer not to have legislation like this before the house, but we do have to combat some of the issues relating to drug driving and drink-driving. Having tougher measures has worked in the past. I wish this bill a speedy passage.

Mr CRISP (Mildura) (16:15) — I rise to make a contribution on the Transport Legislation Amendment (Road Safety, Rail and Other Matters) Bill 2017. The Nationals and the coalition are not opposing this bill. I am nervous because behind me are some year 11 students from Mildura, so this is one of my rare occasions to actually be speaking to an audience. So yes, the pressure is on, and I have not begun as well as I should have. For younger people, and today we are debating driving laws and driving matters, I think it is an appropriate bill for them to listen to the contributions. So the purpose of the bill is to amend various aspects of the law relating to drink-driving and drug-driving offences to simplify the scheme for impoundment and forfeiture of motor vehicles following road safety offences, to adjust the penalties for unlicensed driving, and to simplify the operations for the demerit point scheme relating to road offences.

Looking at some of the statistics that are around on this, it has been noted that over the decades we have reduced the drink-driving-related trauma quite significantly but

we have had the rise of drug driving. Drug driving now contributes to more fatal crashes than drink-driving. I think this is a concern for all of us. We are very good at detecting and understanding what we need to do around drink-driving. There is obviously work to be done around drug driving. So for people who are caught drink-driving — in summary, now the first time that you are over .05 or if for special reasons under .05, but for most people if you are caught over .05 — you will lose your licence automatically and you will be required to have an interlock device fitted to your motor vehicle when you regain your licence. You will also be required to attend change behaviour programs. These are extremely serious measures, but it is an extremely serious issue.

There are also some issues around how we are going to look at how you forfeit a vehicle. One, you can lose your licence — you can lose it for a long time. You can have an interlock device fitted. You may have to do change therapy and also lose your vehicle. This is an extension of some of the hoon issues that have occurred. There are also issues in Mildura where we have a large number of foreign workers and newly arrived Australians within our community. There are concerns, and this bill will address them by reducing the risks associated with drivers using fraudulent foreign licence documents by providing Victoria Police and VicRoads with the power to check the validity of licence documents in other jurisdictions, and to retain and destroy the documents if they are found to be fraudulent.

The positive side is that this is something people have wanted for a long time. When we look at cost-of-living issues — when the car registration bill arrives, it is generally probably difficult to pay, only surpassed by the electricity bill now — but with three, six or 12-month registration available, this will make a big difference to household budgets.

Rail is also very important in our particular area, and I want to spend some time talking about rail. The bill includes a change to the Rail Management Act 1996. The current regime was designed at a time when Victoria's rail freight network was managed by a private operator. The regime was no longer appropriate and the rail network has now been bought back by the government. The Minister for Public Transport will provide guidance to Public Transport Victoria and rail network managers on the proposed access arrangements to set the maximum price that can be charged for access.

This is important to Mildura. Three nights a week for most of the year a container train leaves Mildura with our high-value horticultural products for export.

Currently the arrangements are a little different because the Murray Basin rail project is progressing with the standardising of the railway line between Mildura and the port of Melbourne. But it is how these costs will be formulated, and that relates to new division 2, section 38H of the act.

In determining how the minister considers the maximum prices that can be charged, the minister needs to consider state domestic inputs of rail transport and the externalities. Now, externalities are amenity, road damage, trauma, congestion and greenhouse gas emissions, so there needs to be a broader consideration by the minister when setting these charges. The example I will use is the Essential Services Commission's addition of the feed-in tariff for people's energy at home for non-energy considerations, such as environmental value, to raise cents per kilowatt hour. So there are previous examples on how this could work.

As we work through this bill we find in new division 2, subdivision 3, there is provision for fines. This has also been brought up as an area of interest. The bill provides that the court may order the person to pay a penalty to the minister in respect of each act or omission by the person to which the section applies as the court determines to be appropriate, being an amount not exceeding \$1 million. There is the need for some clarification for everybody involved in this as to what you might be penalised \$1 million for. I think the operators need to understand what circumstances will lead to penalties under this part of the act.

This also leads us into some of the other areas that are concerning to the rail industry, and they are around the conflicts, particularly at new section 38ZW, which looks at the on-time reporting conflicts that may occur where trains are held up due to various things such as passing loops, where trains are located in the system and the timetables. The container train out of Mildura has a pretty good run down the track, at least as far as Maryborough. However, over time these trains have got longer, and long passing loops are not necessarily common. There are plenty of passing loops on the Mildura line but not too many of them can accommodate the longer trains. So what is being talked about here is making sure, again in that penalty structure, that we are not being penalised for the lack of government infrastructure rather than how the operator runs the train.

Finally, I want to talk about the next issue for the Mildura line — that is, level crossing upgrades. In order to make the most of the Murray Basin rail project, which will allow freight trains to move safely at 80 kilometres an hour, for much of the route there are

level crossings — but if they are not protected by lights and booms, they require the train to slow to 50 kilometres an hour. There are 130-odd of those crossings between Mildura and Maryborough. If you are hauling a heavy train of 1500 to 2000 tonnes all up, to brake a train for a level crossing and then not be able to accelerate until the train has passed the level crossing and then to brake again for another level crossing down the road is clearly not going to be efficient. The train will travel at 50 kilometres an hour. To achieve the economies and all the advantages of the Murray Basin rail project we need to have a program to have those level crossings brought up to scratch so that we can run freight trains at 80 kilometres an hour and achieve for Mildura's future a 24-hour turnaround on our freight trains. With a 24-hour turnaround and growing export markets we have an opportunity to run more trains. But that will not happen unless we have 24-hour turnarounds. I commend the bill to the house.

Mr PEARSON (Essendon) (16:25) — I am delighted to make a contribution on the Transport Legislation Amendment (Road Safety, Rail and Other Matters) Bill 2017. It is interesting to follow the member for Mildura, who talked about the importance of rail for his community. I am not quite sure what the member's views were of the former Kennett government's decision to close passenger services to Mildura in 1993, but it was an interesting moment in time which obviously led to the defeat of the Liberal candidate in 1996 and the election of Russell Savage.

Mr Katos — Talk about ancient Rome!

Mr PEARSON — Despite the invitation from the member for South Barwon to talk about ancient Rome, I will resist. This is a very important piece of legislation for the house. In 1970 there were 1061 fatalities on Victorian roads. At that stage Victoria's population was 3.445 million. In the last year the figure was down to 249 fatalities on our roads, but our population had nearly doubled to 6.2422 million, so what you have seen in the course of that time is a significant reduction in Victoria's road toll despite the fact that we have had significant population increases.

There have been two components to the success of this program. I would argue that we have seen the successful implementation of the concept of libertarian paternalism, which was espoused by Richard Thaler — that is, you try to give people what is called a nudge or point people in the right direction by encouraging them to make good choices. That is what libertarian paternalism is all about. But then obviously what is supplementing that is a strict punitive regime in place to tackle offences where people break the law.

I remember being with my parents in a car where a random breath test was being trialled. I was trying to think about this. It would have been either in the late 1970s or the early 1980s. It was on a Saturday night and my family and I had gone out for dinner. My father had probably had a couple of light beers over dinner, but bear in mind this is all sort of very new. We were driving home and we went past the random booze bus and my dad said, 'Oh, there's one of those new booze buses. I might do a lap and have a look at that up close'. So he then does a loop and they wave him in. Then my father has that moment of trepidation where he thinks, 'Hang on, if I've had a couple of light beers, am I going to blow over?'. My father, thankfully, is not a poker player because he does not have a good poker face, so he was a bit nervous when the officer approached him. Dad blew in the bag and I remember the officer saying, 'Don't worry, kids, your dad's as sober as a judge', and on we went. This was an important initiative because it was a way of trying to ensure that people saw that level of visibility in the community and it was about making sure there was compliance.

It is also important to reflect on the great contribution the Transport Accident Commission (TAC) has played in our state as a consequence of the great work of the Cain government. It was the Cain government, and particularly Minister Steve Crabb, that first brought in those very hard-hitting TAC advertisements of the late 1980s. I remember speaking to Steve Crabb a few years ago about the first ad. He said when they brought in the actor who was playing a road trauma victim the staff at the hospital thought it was real. They did not realise an ad was going on, because they wanted to create the panic, the alarm, the anxiety and the distress of an emergency department. I remember talking with Crabby and he said, 'The purpose of the ad was twofold. It was to try and make sure that people didn't break the law, but it was also about trying to explain to police officers that this is serious police work. This is a serious job. You are saving lives. This is something really important'. Because at that stage I think some officers had felt that working in the traffic section was not as desirable, did not have the high appeal of other areas and was not seen to be a particularly noble effort. Really what that ad was trying to do was to try to ensure that people knew, and the officers knew, that what they were doing was important work.

So it has made a profound difference, and I think over the course of time you have seen a multilayered approach to tackling this insidious problem. Having punitive measures in place like what we are seeing in the bill before the house today has ensured that level of compliance. It is a way of just trying to push it down further. I think it said around half of the people who lose

their lives on our roads at the moment do so because drugs or alcohol are involved. I think that is roughly right. So as we look at having further improvements in terms of the safety aspects of vehicles, combined with these sorts of regimes that are in place, we will be able to look at making those changes and differences.

I do want to come back to the new rail access regime, and I was prompted to look at this in a little bit more detail as I was listening to the member for Mildura's contribution. It reminded me of just the folly that was the Kennett government with its ideological obsession at times.

Mr Pesutto interjected.

Mr PEARSON — At times. A lot of times, I would say to the member for Hawthorn, there was this ideological obsession that did not really bear out. It did not manifest itself in a positive way or in a practical way. A case in point was the decision back in March 1999 to sell off not only the freight business but also the track network to what was then Freight Victoria but became Freight Australia. That was a consortium led by RailAmerica, Fluor Daniel and Macquarie Bank. That was a privatisation that occurred at the very end of the Kennett government. It involved 107 locomotives and 2800 freight wagons as well as 4756 kilometres of broad-gauge infrastructure track.

I think the thinking at the time was that you try to split the asset base from fixed assets with the rolling stock. The idea was that somehow you can create a rail access regime where other people will want to use that fixed infrastructure in order to create a profit. Really what you saw happen in those years was a serious lack of investment in that infrastructure. My understanding was that when Freight Australia sold its assets — I think it might have been to Toll Group — back in the mid-2000s, there was a serious level of underinvestment in relation to that track network. It just really did not bear out. This notion that you were somehow going to have a contestable market in rail freight business to Warrnambool and that you were going to see a multitude of providers vying to have access to a rail track to service a regional centre was just not borne out in reality.

What the bill is seeking to do now is it is looking at removing that regulatory regime from the purview and the responsibility of the Essential Services Commission and providing those roles and responsibilities back to the Minister for Public Transport, which I think is entirely appropriate when you are looking at a piece of infrastructure that is not going to be open to a contestable market. There is no real contestable market in that way.

So it is far better for it to sit within the responsibility of the Minister for Public Transport. Frankly it was a case where there was no real benefit or justification for that privatisation. It just did not make sense.

I have said in this house before that I do not think there is a real need for government to be in the market of running gas and running electricity. I have been quite happy about having those assets owned by the private sector. We just have to make sure that we have got the regulatory framework right and that consumers are not gouged. But this was a case where it was clearly wrong. The government got it wrong, and I think this is an appropriate way forward. This is a really important piece of legislation. It will save lives, and I think it demonstrates yet again that the government is getting on with the job of providing a safer Victoria. I commend the bill to the house.

Mr D. O'BRIEN (Gippsland South) (16:35) — I am pleased to rise to speak on the Transport Legislation Amendment (Road Safety, Rail and Other Matters) Bill 2017. As previous speakers have mentioned, this is an important safety bill. It is one that is probably more controversial than it has been given credit for in some respects in that there will be members of the public who will think that what has been proposed here is going over the top. I am sure as it filters through, and the law will likely be changed once it passes through this Parliament, there will be some who are concerned that it is over-the-top and over-regulation when it comes to drink-driving.

Effectively anyone driving with anything over .05 will lose their licence and then on being reissued their licence will need to have an alcohol interlock fitted. I think that is something that we need to stand fairly steadfast on. I know the Deputy Leader of the Liberal Party spoke earlier about the one-off situation of someone who is perhaps 65, with 40-odd years of safe driving, who just has a few too many once, and perhaps the next morning the alcohol has not cleared their system and they lose their licence.

Unfortunately I think that is just the price that we have to pay to try to reduce deaths and injuries on our roads, because that first-time offender who otherwise has had a good record can still kill a child or can still take away a mother or a father or a son or a daughter. Whether it was just once and it was unintended or whether it was done by repeat offenders, we need to send a strong message to stamp that out.

I note though in regard to this change that the second-reading speech talks about Victoria having led the way in road safety — probably globally, I think it

would be fair to say — and the member for Essendon talked about his first experiences of the booze buses in the 1970s and 1980s. These laws changed our community in so many fundamental ways.

I do not want to make light of it in any way, shape or form, but I remember having a chat to some people about the Nambrok Football Club in my electorate of Gippsland South. Nambrok was a powerhouse at one stage; it won premierships in the 1980s. But of course Nambrok is not a town at all, it is a farming district, and people relied on picking up players from neighbouring towns. Someone commented to me once that it was the introduction of drink-driving laws that ultimately killed the Nambrok Football Club, because the players would go along on a Thursday night and have a few beers after training or after the game on a Saturday night and then they would drive home to their town. They are the sorts of social changes that these laws implement, but I hate to think how many times people have driven home from a football club after training or a game after having had too much to drink and when they should not have been behind the wheel. These drink-driving laws have probably worked to stamp that out, even if they have had unintended consequences for places like Nambrok.

The safety issues are critically important, as I said, and it has been pretty much a unity ticket with respect to road safety on both sides of the house. There is a bipartisan commitment. One area though that has been testing the community's patience when it comes to road safety in recent months or years is the very extensive rollout of wire rope barriers, certainly in Gippsland and, I hear from my colleagues, also other parts of the state. The government, VicRoads and the Transport Accident Commission (TAC) need to do a lot more to explain what they are doing and why they are doing it. It is probably one of the issues that I get the most complaints about in my electorate.

Anecdotally, as I travel around, people are surprisingly angry about seeing the wire rope barriers rolled out. They raise things like the need for space to pull over if you get a flat tyre. This week we had on the front page of the local paper, the *Gippsland Times & Maffra Spectator*, a school bus driver indicating concerns about safety because on the Maffra-Sale Road there is not enough room for him to pull over safely and open the doors, so if there is an incident — as we unfortunately had in Gippsland this week when a bus caught fire — there is a safety concern about getting passengers off. There are concerns about having enough space for slow vehicles to get over to the side of the road. That is particularly an issue in country areas, particularly in areas like mine where we have a lot of dairy farms and

we have tractors on the road, especially at this time of year during the silage season. Other concerns are about access for emergency vehicles, whether they be fire trucks or ambulances, to get off the road and to get access off the road.

But the consistent complaint I hear is the fact that we are spending money on the wire rope barriers or Armco barriers, whichever they might be. People will say, 'The reason I was going off the road was that there was a massive big pot hole in the middle of it. Fix the road surface, spend the money on the roads'. That is a frustration. I explain to people that there is a different bucket of money, that the safety barriers are funded by the TAC through the Safer Road Infrastructure Program, but unfortunately that does not always explain it or satisfy people. I urge the government, VicRoads and the TAC to do more to explain why we are doing this. I do explain to people that these barriers save lives, but they certainly cause frustration in my electorate.

On the issue of the interlock devices, they have been a good introduction into the law to change people's behaviour, particularly for repeat offenders, and now they will be introduced for anyone who is over .05 when they are reissued with their licence. I have had complaints, as the deputy leader raised before, with respect to discounts for the installation of interlocks for concession card holders. When I first heard of this — one of my local providers raised it with me — I was astounded. This was raised with me when we were still in government. I wrote to the then minister. I have since written to the current minister. I just find it wrong as a principle. If you have done the wrong thing and under the law you need to have an interlock fitted, whether you have a concession card or not should not matter. We do not provide a discount for someone who gets caught speeding and has to pay a fine because they have a concession card, so I do not understand why a concession on the cost of the interlock is provided for those who have to have an interlock fitted. That is part of the punishment, and it should be equal across the board irrespective of your socio-economic status, in my view, and that is something that both sides should look at fixing.

Likewise I have had complaints about enforcement relating to drivers who needed to have an interlock fitted, that VicRoads and the courts in the past and presumably still today have often given licences back to people without checking that an interlock had actually been fitted. Of course those who are not law abiding simply take their licence and drive away when they have never actually seen an interlock in the first place, until they happen to be pulled over again or commit another offence, and of course then it can be too late.

Likewise on the issue of drug driving, I am pleased this bill will bring the penalties for drug driving more into line with those of drink-driving, because that is another issue that I have previously written to the minister about. As is pointed out in the second-reading speech, there are more people dying on our roads with drugs in their system than there are people dying with alcohol in their system, so it is appropriate that that is being addressed.

I want to touch briefly on the rail access element of the bill. I appreciate that these provisions are in response to the change in ownership of the system some 10 or more years ago and therefore the rail access regime is no longer needed, so what I am about to say is probably not directly related, but we do have concerns in Gippsland with our rail system. I have raised in the Parliament this week with respect to passenger trains in particular the constant delays, trains constantly being cancelled and people being put onto buses. And it happened again this morning. Someone tweeted:

09.20 Traralgon–Southern Cross is delayed by ... 38 minutes due to a signal fault at Dandenong and congestion on tracks shared with Metro Trains.

I have been calling on the government to start a process of looking at a dedicated line for our Gippsland trains. Unfortunately the government's sky rail project makes that extremely difficult, and it has an impact on whether we can get freight from Gippsland over the sky rail pylons as well. I urge the government to stop putting this in the too-hard basket. It is hard. It is not going to be easy, and it is going to be costly, but the government at the very least needs to be dealing with this issue. Geelong, Ballarat and Bendigo all have a dedicated line, and there is no reason why Gippsland should not. The government should be at least undertaking a feasibility study to look at this project.

Mr HOWARD (Buninyong) (16:45) — I am pleased to add my comments to this debate on the Transport Legislation Amendment (Road Safety, Rail and Other Matters) Bill 2017. As we have heard from previous speakers, this government has in line with our *Towards Zero* strategy on trying to reduce the road toll undertaken a range of strategies, whether that be road infrastructure investment, whether it be the wire barriers on the side of the road or whether it be road improvements in a whole range of other areas, like addressing dangerous intersections. We know that through the Transport Accident Commission we have a very impressive advertising campaign and associated educational activities to try to remind people that they need to both watch their speed when they are on the road and keep within the speed limits and also to recognise the dangers of drinking and then driving and

also of using drugs and following that up with driving. Despite the messages that have been out there, despite the threat of booze buses and drug testing, sadly we are still finding in our statistics that too many people are driving over the limit and are affected by drugs — that is being shown in the road fatality statistics. So although it is tough action that this government is taking, it seems to be important that we go that step further now.

In some ways I have to say I was somewhat taken aback when I heard that even the first time people go over the .05 limit, they will lose their licence straightaway, and when they get their licence back they will need to have an interlock device fitted to their car. It sounds tough. I know that after we implement this I will hear from a lot of constituents over a period of time who will want to suggest to me that this is being very tough on them, and I know it will be. In country areas it may even appear tougher than in city areas if you lose your licence, and of course in country areas you do need your car so much to get from point A to point B. This is going to be tough.

What we need to do is make sure we send that message out to people: that .05 is not just close enough and if you are a little bit over, then you are taking a risk. You might be picked up and you might have some demerit points and be fined. What we really need to say is, 'Be very careful, perhaps you shouldn't drink and drive at all'. I have to admit periodically I go to friends' places for dinner and we will have one or two glasses of wine, and I know of circumstances in the past where the host might have topped up my wine and when I leave I am not quite sure whether I have gone over the two and a half or three glasses of wine that I am allowed to have.

So I am aware that this happens, but speaking for myself I will take this as a clear message to be even more careful. We need to make sure we let the community know to be even more vigilant, to perhaps not drink and drive at all. But if you are, make sure you are below .05 so that you can be very safe in your driving and not put yourself at risk of harming other people and also not put yourself at risk of being caught, losing your licence and then going through all of the issues of having an interlock device when you get your licence back.

We have heard from other members who have spoken about the effectiveness of interlock devices for people who have been apprehended more than once for drink-driving, and clearly that is important. This will be a message for people, and I trust that we will ensure that there is plenty of advertising about this to try and send that message even more strongly. I hope that we

will not have so many people who offend and then come back and regret that, obviously by losing their licence when they cannot afford to lose their licence and bearing the other costs associated with having to get their licence back, getting an interlock device and so on. I hope they do not get put through that. I hope they learn the lesson ahead of time.

That is one of the issues that is central to the bill, but there are, as we have heard from others, a lot of other issues involved in this bill. The message about excessive speeding is one. We are adding to the penalties there by saying if you are 25 to 34 kilometres over the speed limit, you will not just lose your licence for one month, you will lose it for three. If you are on a 110-kilometre-an-hour road, as I am fortunate to travel on regularly between Ballarat and Melbourne, and you are 20 kilometres over, then that same penalty will apply. This is an issue where it is clearly very important that we get that message out there. We do want to bring down the road toll substantially. While great headway has been made over the years, we want to ensure that that continues to drop. This is the key message of this bill.

We also know that the bill addresses a number of other issues across the state. The issue of people driving unlicensed will have further deterrents attached. We also know that there are other issues to improve rail safety as well as road safety included in the bill, where we are testing rail safety workers who are working on rail tracks for drugs. Also within this bill, as we have heard from some who have a greater interest in rail, we are streamlining the issues of freight using our Victorian rail infrastructure.

These are the key issues of the bill. As the chair of the Law Reform, Road and Community Safety Committee, these issues around wanting to ensure that we continue to push for greater safety on our roads have been brought to my attention. Therefore I think it is important that we continue as a government to undertake actions like those put forward in the bill. As I have said, I know some people will think they are rather harsh, but it is a matter of ensuring that the message is out there.

We have as a committee been looking at the issue of drug driving, and that has been covered by other members in the house already when talking about this bill. While we still have drug testing in place, there are issues that we need to follow up in terms of strengthening that message to people out there — that if you have been taking illicit drugs, be very careful on the road as you might be picked up by a drug bus. Again we want to get that message out there. What is the primary reason you should not be drinking or taking

drugs before you drive? It is because you could kill yourself, you could kill others, you could cause road crashes — and we do not want that to happen.

This government has acted as strongly as any of our previous governments. We know that in this state we have a strong record, and others have talked about it, of enforcing a range of ways to try and bring down our road toll from over 1000 deaths a number of years ago, in the 1980s. We have of course been successful in bringing down the road toll substantially, and at the same time we have seen the number of cars on our roads increase. In country areas that is particularly important. We need to get that message out there in a range of ways. We need to continue to share that message wherever we go, whether it is through our Transport Accident Commission advertising campaigns, whether it be through a range of messaging that we offer or through general opportunities to share messaging about the need to respect that when you are behind the wheel of a car you need to drive safely, you need to consider others on the road. At the same time we need to ensure that in our schools students and early drivers get that message too.

I certainly commend this bill to the house. I think it is a sound way to go to keep emphasising that message about drink-driving, about not speeding on our roads, about trying to keep safe, about saving lives. Of course we have already had another bill this week that I spoke passionately about in regard to the supervised injecting facility that we want to establish. This government is about saving lives wherever we can.

Mr McGUIRE (Broadmeadows) (16:55) — Victoria has a proud history in road safety that is internationally acclaimed. I think this is a critical bipartisan proposition that the Parliament over a generation or so now should be proud of. If you think back, I remember the 1034 campaign back in the old *Sun News-Pictorial* days, when more than a thousand Victorians were killed on the road. Look how far we have come.

I want to make a contribution that actually looks at what the Andrews government is doing, particularly for road safety. It has invested a record \$1 billion in road safety, creating more than 170 jobs and apprenticeships across Victoria. This is an outstanding innovation. Work is now underway to improve road safety on each of Victoria's 20 most high-risk rural arterial roads. The Safe System Road Infrastructure Program is rolling out more than 2000 kilometres of flexible safety barriers, including 1500 kilometres of wire rope barriers across the state. This is really important to how we develop the new technology and how we actually make people safer

on the road and save lives. It is also building wider centre-lines to prevent head-on crashes, laying thousands of kilometres of rumble strips to stop drowsy and distracted drivers from running off the road and fixing dozens of our most dangerous intersections.

I want to congratulate and acknowledge the Minister for Roads and Road Safety. He came to visit the company Ingal Civil Products, which is in my electorate of Broadmeadows. They are building this technology, which is world-leading in many ways. Guardrails are being manufactured to be rolled out throughout country Victoria, and the program is creating more than 140 new full-time jobs and 31 new apprenticeships, many in regional Victoria. This is something that is of benefit not only to my community, where new jobs and new industries are essential as we go through deindustrialisation, but to jobs in rural Victoria.

With so much work going on across the state, the Labor government has announced a panel of 14 specialist providers to deliver the improvements as part of the program. Providers will supply and install more than \$150 million of safety infrastructure, making some of the state's most dangerous country roads safer. The project is being delivered as part of the Labor government's Towards Zero road safety strategy in partnership with the Transport Accident Commission and VicRoads.

This is the big picture strategy that the Andrews Labor government is rolling out to make people safer. This will save lives. This will create new jobs. It will utilise the intellectual property that we have developed here in Victoria. It will save lives right across the state. This is also intellectual property that is being exported internationally. This brings together the key contributions. That is why Labor matters in government and why over a long period of time we have been able to bring together all of these constituents and all of these providers and provide the vision. They see that we are investing. They are providing safety, and I recommend the bill because it will save lives.

The DEPUTY SPEAKER — Order! The time set down for consideration of items on the government business program has arrived, and I am required to interrupt business.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

**DRUGS, POISONS AND CONTROLLED
SUBSTANCES AMENDMENT
(MEDICALLY SUPERVISED INJECTING
CENTRE) BILL 2017**

Second reading

**Debate resumed from 15 November; motion of
Mr FOLEY (Minister for Mental Health).**

The DEPUTY SPEAKER — The question is:

That this bill be now read a second and a third time.

House divided on question:

Ayes, 46

Allan, Ms	Languiller, Mr
Andrews, Mr	Lim, Mr
Blandthorn, Ms	McGuire, Mr
Bull, Mr J.	Merlino, Mr
Carbines, Mr	Nardella, Mr
Carroll, Mr	Neville, Ms
Couzens, Ms	Noonan, Mr
D'Ambrosio, Ms	Pakula, Mr
Dimopoulos, Mr	Pallas, Mr
Donnellan, Mr	Pearson, Mr
Edbrooke, Mr	Perera, Mr
Edwards, Ms	Richardson, Mr
Eren, Mr	Sandell, Ms
Foley, Mr	Scott, Mr
Graley, Ms	Sheed, Ms
Green, Ms	Spence, Ms
Halfpenny, Ms	Staikos, Mr
Hennessy, Ms	Suleyman, Ms
Hibbins, Mr	Thomas, Ms
Howard, Mr	Thomson, Ms
Kairouz, Ms	Ward, Ms
Kilkenny, Ms	Williams, Ms
Knight, Ms	Wynne, Mr

Noes, 35

Angus, Mr	O'Brien, Mr D.
Asher, Ms	O'Brien, Mr M.
Battin, Mr	Paynter, Mr
Blackwood, Mr	Pesutto, Mr
Britnell, Ms	Riordan, Mr
Bull, Mr T.	Ryall, Ms
Burgess, Mr	Ryan, Ms
Clark, Mr	Smith, Mr R.
Crisp, Mr	Smith, Mr T.
Gidley, Mr	Southwick, Mr
Guy, Mr	Thompson, Mr
Hodgett, Mr	Tilley, Mr
Katos, Mr	Victoria, Ms
Kealy, Ms	Wakeling, Mr
McCurdy, Mr	Walsh, Mr

McLeish, Ms
Morris, Mr
Northe, Mr

Watt, Mr
Wells, Mr

That this bill be now read a second time and a third time.

House divided on question:

Question agreed to.

Ayes, 79

Read second time.

Third reading

Motion agreed to.

Read third time.

SERVICE VICTORIA BILL 2017

Second reading

Debate resumed from 15 November; motion of Mr PAKULA (Attorney-General).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

**PLANNING AND ENVIRONMENT
AMENDMENT (PUBLIC LAND
CONTRIBUTIONS) BILL 2017**

Second reading

Debate resumed from 14 November; motion of Mr PAKULA (Attorney-General).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

**CRIMES LEGISLATION AMENDMENT
(PROTECTION OF EMERGENCY
WORKERS AND OTHERS) BILL 2017**

Second reading

Debate resumed from earlier this day; motion of Ms NEVILLE (Minister for Police).

The SPEAKER — The question is:

Allan, Ms
Andrews, Mr
Angus, Mr
Asher, Ms
Battin, Mr
Blackwood, Mr
Blandthorn, Ms
Britnell, Ms
Bull, Mr J.
Bull, Mr T.
Burgess, Mr
Carbines, Mr
Carroll, Mr
Clark, Mr
Couzens, Ms
Crisp, Mr
D'Ambrosio, Ms
Dimopoulos, Mr
Donnellan, Mr
Edbrooke, Mr
Edwards, Ms
Eren, Mr
Foley, Mr
Gidley, Mr
Graley, Ms
Green, Ms
Guy, Mr
Halfpenny, Ms
Hennessy, Ms
Hodgett, Mr
Howard, Mr
Kairouz, Ms
Katos, Mr
Kealy, Ms
Kilkenny, Ms
Knight, Ms
Languiller, Mr
Lim, Mr
McCurdy, Mr
McGuire, Mr

McLeish, Ms
Merlino, Mr
Morris, Mr
Nardella, Mr
Neville, Ms
Noonan, Mr
Northe, Mr
O'Brien, Mr D.
O'Brien, Mr M.
Pakula, Mr
Pallas, Mr
Paynter, Mr
Pearson, Mr
Perera, Mr
Pesutto, Mr
Richardson, Mr
Riordan, Mr
Ryall, Ms
Ryan, Ms
Scott, Mr
Sheed, Ms
Smith, Mr R.
Smith, Mr T.
Southwick, Mr
Spence, Ms
Staikos, Mr
Suleyman, Ms
Thomas, Ms
Thompson, Mr
Thomson, Ms
Tilley, Mr
Victoria, Ms
Wakeling, Mr
Walsh, Mr
Ward, Ms
Watt, Mr
Wells, Mr
Williams, Ms
Wynne, Mr

Noes, 2

Hibbins, Mr
Sandell, Ms

Question agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

STATE TAXATION ACTS FURTHER AMENDMENT BILL 2017

Second reading

Debate resumed from earlier this day; motion of Mr PALLAS (Treasurer); and Mr M. O'BRIEN's amendment:

That all the words after 'That' be omitted with the view of inserting in their place the words:

'this house refuses to read this bill a second time until the Andrews Labor government has fully addressed the concerns of local councils, valuers and the community regarding the increased costs, loss of jobs and conflict of interest consequential upon centralising property valuation authority with the valuer-general and moving to a system of annual revaluation, while noting the house's support for the extension of payroll tax exemptions'.

Debate interrupted.

DISTINGUISHED VISITORS

The SPEAKER — I take this opportunity to welcome Senator Larry Campbell from the Canadian Senate to the chamber.

STATE TAXATION ACTS FURTHER AMENDMENT BILL 2017

Second reading

Debate resumed.

The SPEAKER — The minister has moved that the State Taxation Acts Further Amendment Bill 2017 be now read a second time. The member for Malvern has moved a reasoned amendment to the motion. He has proposed to omit all the words after 'That' with the view of inserting in their place the words which have been circulated. The question is:

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

Those supporting the reasoned amendment by the member for Malvern should vote no.

House divided on omission (members in favour vote no):

Ayes, 44

Allan, Ms	Languiller, Mr
Andrews, Mr	Lim, Mr
Blandthorn, Ms	McGuire, Mr
Bull, Mr J.	Merlino, Mr
Carbines, Mr	Nardella, Mr
Carroll, Mr	Neville, Ms

Couzens, Ms	Noonan, Mr
D'Ambrosio, Ms	Pakula, Mr
Dimopoulos, Mr	Pallas, Mr
Donnellan, Mr	Pearson, Mr
Edbrooke, Mr	Perera, Mr
Edwards, Ms	Richardson, Mr
Eren, Mr	Scott, Mr
Foley, Mr	Sheed, Ms
Graley, Ms	Spence, Ms
Green, Ms	Staikos, Mr
Halfpenny, Ms	Suleyman, Ms
Hennessy, Ms	Thomas, Ms
Howard, Mr	Thomson, Ms
Kairouz, Ms	Ward, Ms
Kilkenny, Ms	Williams, Ms
Knight, Ms	Wynne, Mr

Noes, 37

Angus, Mr	O'Brien, Mr D.
Asher, Ms	O'Brien, Mr M.
Battin, Mr	Paynter, Mr
Blackwood, Mr	Pesutto, Mr
Britnell, Ms	Riordan, Mr
Bull, Mr T.	Ryall, Ms
Burgess, Mr	Ryan, Ms
Clark, Mr	Sandell, Ms
Crisp, Mr	Smith, Mr R.
Gidley, Mr	Smith, Mr T.
Guy, Mr	Southwick, Mr
Hibbins, Mr	Thompson, Mr
Hodgett, Mr	Tilley, Mr
Katos, Mr	Victoria, Ms
Kealy, Ms	Wakeling, Mr
McCurdy, Mr	Walsh, Mr
McLeish, Ms	Watt, Mr
Morris, Mr	Wells, Mr
Northe, Mr	

Amendment defeated.

The SPEAKER — The question is:

That this bill be now read a second time and a third time.

House divided on question:

Ayes, 44

Allan, Ms	Languiller, Mr
Andrews, Mr	Lim, Mr
Blandthorn, Ms	McGuire, Mr
Bull, Mr J.	Merlino, Mr
Carbines, Mr	Nardella, Mr
Carroll, Mr	Neville, Ms
Couzens, Ms	Noonan, Mr
D'Ambrosio, Ms	Pakula, Mr
Dimopoulos, Mr	Pallas, Mr
Donnellan, Mr	Pearson, Mr
Edbrooke, Mr	Perera, Mr
Edwards, Ms	Richardson, Mr
Eren, Mr	Scott, Mr
Foley, Mr	Sheed, Ms
Graley, Ms	Spence, Ms
Green, Ms	Staikos, Mr
Halfpenny, Ms	Suleyman, Ms
Hennessy, Ms	Thomas, Ms
Howard, Mr	Thomson, Ms
Kairouz, Ms	Ward, Ms

Kilkenny, Ms
Knight, Ms

Williams, Ms
Wynne, Mr

Noes, 37

Angus, Mr
Asher, Ms
Battin, Mr
Blackwood, Mr
Britnell, Ms
Bull, Mr T.
Burgess, Mr
Clark, Mr
Crisp, Mr
Gidley, Mr
Guy, Mr
Hibbins, Mr
Hodgett, Mr
Katos, Mr
Kealy, Ms
McCurdy, Mr
McLeish, Ms
Morris, Mr
Northe, Mr

O'Brien, Mr D.
O'Brien, Mr M.
Paynter, Mr
Pesutto, Mr
Riordan, Mr
Ryall, Ms
Ryan, Ms
Sandell, Ms
Smith, Mr R.
Smith, Mr T.
Southwick, Mr
Thompson, Mr
Tilley, Mr
Victoria, Ms
Wakeling, Mr
Walsh, Mr
Watt, Mr
Wells, Mr

Question agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

Clerk's amendment

The SPEAKER — Under standing order 81 I have received a report from the Acting Clerk that she has made a correction in the State Taxation Acts Further Amendment Bill 2017. The report is as follows:

“In clause 4 on line 11, I have deleted ‘works’ and inserted ‘work’.”

Business interrupted under sessional orders.

ADJOURNMENT

The SPEAKER — The question is:

That the house now adjourns.

Hampton Street, Brighton, pedestrian crossing

Ms ASHER (Brighton) (17:23) — (13 624) The issue I have is for the Minister for Roads and Road Safety, and my request of him is to fund a pedestrian crossing in Hampton Street, in what is known as the Dendy Village shopping centre crossing, and of course the aim of this is to improve safety. I have raised this matter in this Parliament with him previously. In August 2015 I raised a constituency question on this matter, and the minister advised me that:

VicRoads is currently working with the Bayside City Council and Dendy Village shopping strip traders to prepare a concept design for pedestrian-operated signals across Hampton Street.

He went on to say:

The installation of these pedestrian-operated signals will be considered for funding in a future program.

I then raised this issue with him again in an adjournment debate in September 2015, and the minister gave me a very similar response — that a proposal had been developed to install pedestrian lights and would be considered for funding in a future program. I then raised a constituency question with him in September 2016, and the reason I raised this again is that Bayside council had funded an upgrade of the area. The upgrade took account of the possibility of these pedestrian lights and had made provision for them to be installed in the future. I received from the minister in response to my constituency question of that date a more alarming response, where he advised me that on the one hand:

VicRoads supports the installation of a signalised pedestrian crossing on Hampton Road —

he has written Hampton Road, but it is Hampton Street —

near Dendy Village, and these signals will be considered for funding in a future program.

He then went on to say:

... a signalised pedestrian crossing is unlikely to attract funding in the short term when compared with other sites across the state.

I note that assurances of funding in a future program had been given to me twice, and now I have been told I have got Buckley's chance of getting funding for something that is deemed to be an important safety concern in my electorate. The minister is currently involved in budget deliberations, and this is not an expensive ask and is a significant safety concern. Most of the shops are on the side of the road where most of the car parks are not. This has been going on for years, and I hope that he will go back to his original two responses to me and that I can greet joyously news of funding of this in the next budget.

Bunjil Place

Ms GRALEY (Narre Warren South) (17:26) — (13 625) My adjournment matter is for the Minister for Creative Industries and concerns Bunjil Place. The action I seek is that the minister visit Bunjil Place to see firsthand the importance of bringing the arts to our suburbs. I know that this is a priority for the minister,

who launched the Creative Suburbs program. This fantastic program provides those living in the outer suburbs with the opportunity to engage with and participate in arts experiences.

There was a significant lack of investment in our creative industries by the previous Liberal government, and I am very pleased to see the Andrews Labor government getting on with rectifying this oversight. The City of Casey has already received \$100 000 to work with Circus Oz and the Melbourne Theatre Company to bring their performances to Bunjil Place through the Creative Suburbs program. Now that all the pomp and ceremony is over and the facility is open, I am looking forward to seeing these performances in action. The \$125 million investment in Bunjil Place has delivered an 800-seat theatre, a studio with retractable seating for 200 and a 350-seat function theatre. There is also, finally, an art gallery and an outdoor plaza. I am very pleased to say that I had the honour on Friday a fortnight ago to open the new library, which I had been long advocating for, and I am very pleased that our government provided significant funding for that fantastic new library.

I am on the record as saying that for a long period of time I have been worried that local groups and schools have not had access to these sorts of facilities, but I am also on the record as saying that I want to make sure that they actually do have access to these new facilities, so I am going to be keeping a watchful eye on the costs and access provision for these local community groups. We need to be nurturing our local community and especially providing pathways for our young people to further develop their creativity, regardless of where they live. Let us give them the opportunities to perform. I am very much looking forward to getting creative with the minister and our local performers.

Three Chain Road, Wangaratta

Mr McCURDY (Ovens Valley) (17:28) — (13 626) The adjournment matter that I raise is for the Minister for Roads and Road Safety, and the action that I seek is about a very dangerous section of road on Three Chain Road just north of Wangaratta. It is a very hazardous road, and it needs immediate attention. Peter Hamill and Andrew Way, who both reside out near that damaged section, have requested that I bring this up with the minister to try and get some action. Three Chain Road is a B-double-rated road and has been patched and patched. It holds water both on the surface and underneath the road, and it deteriorates very quickly every time that road gets patched. This is a safety hazard of the highest degree, and I request the minister to prioritise this repair. The damaged section is

approximately 300 metres north of the main Melbourne to Sydney railway line at that north end of Wangaratta. There was a fatality in that region only a couple of months ago.

Energy prices

Mr PEARSON (Essendon) (17:29) — (13 627) I direct my adjournment matter to the Minister for Energy, Environment and Climate Change, and the action I seek is for representatives from the Department of Environment, Land, Water and Planning to come to my electorate to run an energy education forum to help people understand how they can get a better deal on their gas and electricity bills.

Maroondah Highway–Heatherdale Road, Mitcham

Ms RYALL (Ringwood) (17:29) — (13 628) My request is for the Minister for Roads and Road Safety, and the action I seek is that he direct the revision of the lanes exiting onto Maroondah Highway from Heatherdale Road in Mitcham. Heatherdale Road is the border of the Maroondah and Whitehorse councils, and since the removal of the level crossing the load of traffic coming out of Heatherdale Road and turning right onto Maroondah Highway has significantly increased. That means that approximately five cars can get through on a cycle, but the extent of the wait time is very significant, particularly if there is someone coming across the road from Dampier Grove.

There are two lanes that come out of Heatherdale Road, one onto Maroondah Highway and the other going straight ahead to Dampier Grove. An opportunity has been highlighted by constituents who live in the local area to give both lanes the opportunity to turn right, which would double the amount of through traffic coming onto Maroondah Highway, but that would also facilitate the opportunity for people to go ahead through to Dampier Grove should they require that.

It is my request that this be revised. There is significant hold-up for the local community, who now want to use the opportunity to come onto Maroondah Highway, but the traffic is extensive as a result. There is clearly a resolution and an opportunity to resolve this, and I ask that the minister act on this.

Creating Opportunity: Postcodes of Hope

Mr McGUIRE (Broadmeadows) (17:31) — (13 629) My adjournment request is to the Minister for Industry and Employment. The action I seek is the support of his department in developing my strategy for

a smart cities deal for Melbourne's north. We must make change a friend, not an enemy, if we are going to create new industries and jobs vital in a digital 21st century. The bid for a smart city deal was a key proposal in *Creating Opportunity: Postcodes of Hope*, the strategy I published last year to address deindustrialisation, especially where new industries and jobs are needed most. It is also a blueprint for Industry 4.0.

The Australian government's Assistant Minister for Cities and Digital Transformation, Angus Taylor, responded positively to my call in June. We have since had a follow-up meeting to pursue this cause, and he is open to further discussions. Effectively we have a unity ticket on this proposition. What we need now is political will to deliver from the Australian government. Put simply, Melbourne's north needs a similar deal to the one the Australian government delivered for Sydney's west.

Industry 4.0 addresses disruptive digital technologies. They are critical to our future and are being fast-tracked internationally. News this week that the world's richest man, Bill, Gates, is investing \$80 million in a high-tech planned development outside Phoenix, Arizona, underscores the importance of Australia developing smart cities. China's aim is to be the world leader in technology by 2030, as disclosed at the recent Asia-Pacific regional conference. Germany is the fourth-largest economy and leading manufacturer in Europe. Critical to Germany's success has been its adoption of technology combined with collaboration with unions.

Digital technology offers opportunities for economic reform greater than those of the 1980s and 1990s or the opening of China to the world, former Prime Minister Paul Keating declared this week.

Melbourne's north, whose designated capital is Broadmeadows, offers proximity to the heart of the world's most liveable city, blue-chip infrastructure, including the curfew-free international airport, a booming population and the highest proportion of undeveloped industrial land in Melbourne. One in 20 Australians is predicted to live in Melbourne's north within two decades, where the increase of half a million people means the population, already more than four times the size of Victoria's second-largest city, Geelong, will match the current size of Adelaide. A smart city deal for Melbourne's north is a golden opportunity. I want to see Victoria lead Australia in making change a friend, not an enemy.

Members of Parliament code of conduct

Mr HIBBINS (Pahran) (17:33) — (13 630) My adjournment matter is for the Special Minister of State, and the action I seek is for the minister to overhaul the current code of conduct for members of Parliament. The seemingly endless series of scandals shows the current code of conduct is out of date, inadequate and unenforceable. It is clear we need a tougher integrity regime for all members of Parliament — a new code of conduct that is clearer, stronger, broader and enforceable by the anti-corruption commission or another independent body; that will reflect the community's expectations of members of Parliament; and that will cover key areas such as acting in the public interest, transparency, honesty and the appropriate use of entitlements.

The current code of conduct for MPs is barely two pages long and was written about 40 years ago, and MPs seem to be acting with impunity when they breach it. We have had members refer themselves to IBAC when it does not have the power to investigate and members found to be in breach of entitlements rules and not being referred to the Privileges Committee. I call on the minister to overhaul the code of conduct for MPs and make it enforceable by the anti-corruption commission. Too often, we are seeing MPs acting for personal or political gain, when decisions should be made in the public interest for the public good.

Bentleigh electorate schools

Mr STAIKOS (Bentleigh) (17:34) — (13 631) My adjournment matter is for the attention of the Deputy Premier and Minister for Education and concerns a potential future government school on the East Village site on East Boundary Road, East Bentleigh. The action I seek from the minister is that he instructs the Victorian School Building Authority to run consultation on a new school in the coming weeks.

Earlier this year I asked the Minister for Education to allocate funds for the planning of a new school in our local area in East Bentleigh to accommodate significant increases in student enrolments, particularly in secondary school years. Those funds were allocated in the 2017 budget, and there has been a lot of work done since then between the Victorian Planning Authority and Glen Eira City Council on the structure plan of the 24-hectare East Village site. The Victorian School Building Authority has also been working with the owners to set some land aside for a new school.

Families choose to live in my electorate of Bentleigh because we have great local schools. Without a doubt,

the best part of being the member for Bentleigh is working within the Andrews Labor government to secure funding to upgrade our schools. Over three budgets we have invested \$46 million in schools in Bentleigh, something I am very proud of, particularly when you contrast it with zero dollars spent over the first three budgets of the former Liberal government. We are fortunate to have two fantastic government secondary colleges within the boundaries of my electorate: McKinnon Secondary College, where we are currently building a \$9 million Victorian certificate of education centre; and Bentleigh Secondary College, where we have invested \$13.4 million for brand-new classrooms and indoor courts.

McKinnon Secondary College, as is well known, has been experiencing significant enrolment pressures and is expected to have around 2200 students in 2018, despite a relatively small enrolment zone. This is something that has been on my mind for some time. I recently surveyed East Bentleigh residents about a new school, and around 85 per cent of residents said that they favoured a second campus for McKinnon Secondary College. It is something seriously worth considering, and I strongly believe local residents should have a say. I therefore ask the minister to ensure that the community is consulted in the coming weeks about this important matter.

Markham Avenue, Ashburton, redevelopment

Mr WATT (Burwood) (17:37) — (13 632) My adjournment matter is for the Minister for Major Projects. Given the recent developments in the Legislative Council regarding the revocation motion for Markham estate and the disgraceful behaviour of the government, the action I seek is for the minister to now properly consult with Boroondara council and the local community to ensure the development at 10 Markham Avenue, Ashburton, more commonly known as the Ashburton public housing estate, is redeveloped in line with community expectations and respects the residential amenity.

I must say that I found the government's behaviour yesterday disgraceful, as did residents that I have been speaking to in Boroondara and particularly in Ashburton. In particular some of the residents that came in yesterday for the revocation motion were disgusted by the actions and the disgraceful behaviour of this government right through this process to find a good outcome for public housing in the Burwood electorate. This government has actually pushed forward a development that would house less public housing tenants than what was possible prior to it trying to

railroad this program or this development through. This has been a public housing estate for decades.

I have doorknocked the entire area in and around the Markham housing estate, and over four years of doorknocking and personal consultations I have had one person say to me that they do not want public housing. The idea that the government would say that the Liberal Party or I would be opposed to public housing is disgraceful. As a former public housing tenant I find it personally disgraceful. The attitude of the government I find personally disgraceful. The attitude of members in the Legislative Council and the actions they took yesterday I find personally disgraceful, as do my local residents.

I call upon the government to actually listen to their local communities, to listen to the local council and to not only consult with themselves but also consult with local residents and public housing tenants. The Ashburton, Ashwood and Chadstone Public Tenants Group is supportive of more public housing, as is the council, as is the local community and as am I as the local member. But what we need to do is make sure we get a good outcome on the Markham public housing estate, one that will be good for public housing tenants and good for the local community, and one that will have the support of the local community if the government and the Minister for Major Projects properly consult with the local community and properly consult with the local council to get an outcome which everybody would support.

Carrum beach erosion

Ms KILKENNY (Carrum) (17:40) — (13 633) My adjournment matter is for is the Minister for Energy, Environment and Climate Change. The matter I am raising is for the minister to provide an update on plans to address the beach erosion near the Carrum Surf Life Saving Club. Beaches are a naturally dynamic environment, and coastal erosion is a process that impacts our beaches every year, but this year in particular the beach adjacent to the swimming area at Carrum seems to have been impacted quite significantly.

With the start of the swimming season and the Carrum Surf Life Saving Club nippers program now just underway, it is important that there is a beach and a safe swimming area. I know that the Carrum Surf Life Saving Club and all its members, as well as the many locals and visitors who visit Carrum beach over the summer, are keen for an update on plans to address the beach erosion.

Responses

Ms ALLAN (Minister for Major Projects) (17:41) — It is very fortunate that I have the opportunity this evening to respond directly to the member for Burwood's adjournment matter, which he raised in regard to the actions in the Legislative Council yesterday, and particularly his request around consultation on the Markham estate. I think it is important to put some context around what has been going on at the Markham estate, which will underscore and demonstrate that what the member for Burwood is doing is nothing more than shameful and disgraceful. He is trying to cover up for the four years of neglect when he was in government. When he had the chance as the local member to seek improvements at the Markham estate he did absolutely nothing. His government did nothing to improve matters at the Markham estate, and to make matters worse, now in opposition he is trying to stop the government from making those very improvements that people in public housing need and deserve.

At the Markham estate there are 56 public housing units on this site, and they are not fit for people who need accommodation. They are in very poor disrepair. They are not in a fit state —

Mr Watt interjected.

Ms ALLAN — I am talking about when we came to office. My goodness!

The SPEAKER — Order! The minister is not to respond to interjections.

Ms ALLAN — This just demonstrates that the actions that the Liberal Party have taken on this matter — and can I say their mates in the Greens are not going to get off the hook either — have been absolutely disgraceful.

The 56 units that were on this site at Markham estate were in no fit state. That is why we have taken a proposal forward to increase the number of new public housing dwellings on this site from 56 to 62 as part of an overall redevelopment at this site. You would think that this kind of mixed development on this site, which — do you know what, Speaker? — is close to Holmesglen TAFE and is close to public transport, is the sort of project where people who are seeking housing support would exactly want to be, close to education and close to public transport. You would think that that would be something that would gain support, but no. What we saw in the upper house yesterday, and potentially today as well, is nothing

short of a shameful disgrace. The Liberal political party joined up with the Greens political party in an attempt to stop this development going ahead.

Now, let us go back. They did nothing in four years of government. That let this estate run down to a condition where we had to come in and put the bulldozers through the joint, it was in such bad condition. We have taken a proposal forward following extensive consultation. This notion that the member opposite runs around in his community saying 'there hasn't been consultation' is nonsense. There has been consultation. There has been work done in the local area. We need to get on and make things better on this site than they have been historically.

It is not just us saying this. The Royal Commission into Family Violence went to these matters about how we need to provide more housing accommodation for women fleeing family violence. This is the biggest growing cohort of our homeless. The fastest growing cohort of people who are experiencing homelessness are women and children fleeing family violence. These are the sorts of people who need this increase in public housing and who need this public housing to be close to education and public transport.

The Liberal political party and the Greens political party have joined up in the upper house and tried to stop this development. I say 'tried to' because the motion was not passed yesterday, but I understand that there have been some backdoor manoeuvres going on up there and they want to try to bring this motion on again for debate. I anticipate that they will vote against it because that is what they clearly indicated on the record yesterday in the Legislative Council. This is not just putting at risk an increase in public housing, this is not just putting at risk support for people who are homeless and this is not just putting at risk support for people who are homeless and fleeing domestic violence; it is also putting at risk a significant number of jobs in the construction industry.

To make matters worse, this has come directly off the back of what happened yesterday in the Legislative Council, where again the Greens and the Liberal Party joined forces and stopped the development at Ormond as well — another development that was about providing more housing options to the Melbourne housing market, close to public transport. It was part of a mixed-use site that was about providing retail opportunities and also about providing more jobs in the local community. That too had been through an independent planning process. That too had been through extensive community consultation.

The Minister for Planning received an independent report recommending that there be a 13-storey mixed-use development on the site next to the train station at Ormond. And what did the Liberal Party do? What did the Greens political party do? They killed it off. They killed it off yesterday in the upper house. Why? It was all just so they could pull a political stunt on the government, not giving two hoots about people who are trying to get into the rental market, not giving two hoots about people who are trying to find a house, not giving two hoots about people who want to find these sorts of options close to public transport and close to jobs. Those in the Liberal and Greens political parties, who say that they are the experts on planning and how Melbourne should grow and develop, have just killed off a project that ticked every single box in terms of what is an appropriate development in an appropriate location.

As I said before, the message this has sent to people trying to get into the housing market, people who are looking for a public housing option, people who are looking for a job, people who are looking for a housing option close to public transport and also people who are in the construction industry, which is about supporting jobs, is: 'We're not interested in you. No, they're not priorities for us. We're more interested in seeing how we can annoy the government. We're more interested in seeing how we can try and stop the government's agenda rather than in good policy outcomes, the right policy outcomes, which are needed for a growing city and growing state'.

If I am sounding angry and frustrated, it is because I am. The government is also frustrated. The upper house yesterday showed absolute disregard for proper planning processes — absolute contempt. This comes from a Liberal Party we know were quite happy to have secret meetings with developers when they were in government. The actions of their own leader when he was the Minister for Planning were an absolute disgrace. He did backroom deals —

Ms Asher — On a point of order, Speaker, relating to relevance, the minister is well entitled to canvass the policy area she has been canvassing, but she is not entitled to malign members of Parliament. She can do so by way of substantive motion if she wants to, but I would urge you to ask her to actually answer the member for Burwood's adjournment issue, which is what she is required to do.

Ms ALLAN — On the point of order, Speaker, the action that the member for Burwood asked me to take in his adjournment request was about consultation on a planning proposal. I feel entitled to go into how this

proposal and other examples went through the planning process, and the absolutely disgraceful actions of the Leader of the Opposition when he was Minister for Planning are entirely relevant on this point, particularly given that when the Leader of the Opposition was the shadow Minister for Planning in 2010 he condemned exactly this sort of action. He said that the Parliament should not be used in this way to stop these sorts of developments, so I would suggest this is entirely relevant to the matter we are considering.

Mr Watt — On the point of order, Speaker, I rise to support the member for Brighton in her point of order inasmuch as if the minister wants to impugn a member, she should do so by way of substantive motion. She does not get to stand here and impugn members just because she likes to. Secondly, the matter that I raised was very narrow in that it was about consultation going forward for the Markham housing estate.

Ms ALLAN interjected.

The SPEAKER — Order!

Mr Watt — Yes, but I did not raise anything about other members.

The SPEAKER — Through the Chair.

Mr Watt — The point was that it was a very narrow issue that I raised. It was about the disgraceful behaviour of the government in the Legislative Council and about asking the minister to consult with my community going forward, because the expectation of the community in Ashburton is that they will be consulted properly. For the minister to stand here and talk about all of the consultation, which was not consultation — it was information, and it was very limited. It was a one-way conversation. It was not consultation. My community expects that there will be consultation going forward, not being talked to or directed by her or the minister sitting next to her. It is disgraceful behaviour. The government have tried to shut the locals out, shut the council out and shut the Parliament out. They need to be heard.

Mr Wynne — On the point of order, Speaker, I would submit that in her contribution the Leader of the House absolutely has the right to compare and contrast the processes that were used by my predecessor in this position — when he had the opportunity to be the Minister for Planning. Of course the counterpoint is all of the extensive information and consultation that occurred in relation to the Markham estate redevelopment, both in its first iteration and in subsequent iterations, where I responded to some concerns that had been raised both by the council and

indeed by the local residents. The member for Burwood knows that very well, so for the question to suggest that there had been no consultation —

The SPEAKER — Order! The minister on the point of order.

Mr Wynne — On the point of order I simply put to you, Speaker, that the Leader of the House is entirely in order in her contribution because she does have the opportunity in her contribution to compare and contrast the planning regime — an open, transparent and accountable planning regime — put in place by this government, and through the processes that I have put in place in relation to the Markham estate and many others, as compared to the regime of our predecessors.

Ms Ryall — On the point of order, Speaker, I rise to support the member for Brighton's point of order. Standing orders are very clear on impugning or maligning other members of Parliament. Clearly the point of order is dealing with the issue of what the minister at the desk was attempting to do. That is the point of order that we are dealing with, and I ask you to uphold that point of order. In no way should the minister be drawing and trying to impugn others in trying to make a point.

The SPEAKER — Order! The member for Burwood, in talking to this point of order, reinforced my recollection of his adjournment matter where he did refer to, I think, 'the disgraceful conduct of the government'. I think it is probably fair that the minister be able to respond to that and to compare the behaviour of either the government or the opposition. The question also is whether the minister was impugning someone. I do not believe she was, but I would ask her and remind her not to go near impugning members of this place.

Ms ALLAN — Thank you, Speaker. You have picked up on a point I was going to indeed make myself. In his contribution the member for Burwood reflected on, I think he called it, 'Disgraceful actions of the government and disgraceful actions of government members in the Legislative Council'. Well, the actions we saw yesterday, as I said before, of the collusion between the Liberal Party and the Greens political party — and I must say the Nats are not off the hook either. You blokes were in there as well. The National party were in there as well. For the Liberal Party and the Greens political party to stop this sort of development at Markham, at Ormond, is absolutely disgraceful.

It is not just me saying this. We have seen the Property Council of Australia come out and condemn this sort of reckless behaviour. We have seen the Tenants Union of Victoria come out and condemn this sort of behaviour. We know that we had a number of industry groups and a number of housing groups express grave concerns to my office and other colleagues' offices. I know they were raised with the opposition as well. The response that came back was, 'Well, that's just the shadow Minister for Planning. He's out of control. We can't control him. What do you expect?'. Well we expect some leadership from the Liberal Party on this stuff. As I said, this is stopping jobs; this is stopping development; it is stopping housing options close to public transport; and it is stopping and standing in the way of proper planning processes.

I do not know what excuses the Green have got; I really do not. What is the justification that the Greens could possibly have for blocking a project that is increasing public housing? It is a proposition that is increasing public housing at the Markham estate site. It is impossible to think about how the Greens political party could stand there and cuddle up to the Liberal Party. We know the record of the Leader of the Opposition in government was absolutely disgraceful when it came to his planning decisions. They have cuddled up to the Liberal Party to take this sort of action in the Legislative Council. But when was the last time this happened, Minister for Planning?

Mr Wynne — Decades.

Ms ALLAN — This has not happened for decades. It has not happened for decades. So the action that the member has asked for —

Mr Wynne interjected.

The SPEAKER — Order! The Minister for Planning!

Ms ALLAN — The action that the member has asked for around properly consulting is not one that I agree with, because proper consultation has already happened. It has already happened. It has been extensive. Some people have called it exhaustive as well. This is an action we will not agree to.

I put this to the member for Burwood, and I might even put it to the Greens as well: if we went out there and did another round of consultation, would it change your minds? Would we see a different outcome? I do not think we would, because that does not suit their political agenda. It does not suit the political agenda of the Liberal Party, which is to be wreckers and blockers, and it does not suit the political agenda of the Greens

political party, whose members go out there and pretend they are holier than thou and purer than the driven snow. That is what they like to present to the rest of the world.

Their record in this place will not go unremarked upon. We are making sure that this is going to be well-known out there. Whether you are in the housing community, whether you care about public housing or whether you care about developments and jobs, we are going to make sure that people know exactly what goes on in here. Don't think you can do one thing in here and go out and say another thing outside of this building. Don't think you can pretend and do one thing in here and run out and say, 'We didn't really mean that, and when we get into government we won't really do that'. No, don't think you will get away with this. We have already started telling the truth outside of this place. We have been telling people.

People know well and truly what has been going on, and I can assure you, Speaker, we will continue to campaign for developments like this, we will continue to campaign for more housing options and we will continue to do everything we can to deliver on this agenda despite the political games and the blocking and the wrecking that comes from the Liberal Party and their mates in the Greens.

Mr Watt — On a point of order, Speaker, can I just confirm that the minister said that proper consultation is not something she agrees with?

The SPEAKER — Order! There is no point of order.

Ms ALLAN — Nine other members raised matters for ministers, and they will be responded to accordingly.

The SPEAKER — The house is now adjourned.

**House adjourned 5.59 p.m. until Tuesday,
28 November.**