

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Thursday, 2 November 2017

(Extract from book 14)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

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

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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	Naphine, 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, 2 November 2017

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

NOTICES OF MOTION

Ms ALLAN (Minister for Public Transport) (09:33) — I desire to move, by leave:

That this house notes:

- (1) the Liberal Nationals coalition have confirmed they will undertake a cost audit —

Honourable members interjecting.

The SPEAKER — Order!

Honourable members interjecting.

Ms ALLAN — It is a notice of motion.

The SPEAKER — Order! I am just seeking clarification from the Leader of the House as to leave.

Ms ALLAN — Thank you, Speaker, for that assistance.

The SPEAKER — You are seeking leave?

Ms ALLAN — No. Thank you for that assistance, Speaker.

The SPEAKER — You are giving notice?

Ms ALLAN — I desire to give notice that tomorrow I will move — and I appreciate the assistance of the manager of opposition business — to repeat:

That this house notes:

- (1) the Liberal Nationals coalition have confirmed they will undertake a cost audit if they win the 2018 election ...

Honourable members interjecting.

The SPEAKER — Order! Members on both sides of the house will come to order so that the Leader of the House can read out the motion that she is giving notice of.

Ms ALLAN — Further, I will move that the house notes:

- (2) the devastating cuts and job losses in the public service when the Liberal Nationals were last in government;
- (3) the grave risk to services and jobs following a Liberal Nationals cost audit.

Mr Clark — On a point of order, Speaker, as you would have noticed, initially when the minister rose to her feet she indicated that she wished to move this motion by leave, which is why I refused leave. The minister then claimed that in fact her intention all along was to give notice of motion. I trust that *Hansard* will accurately reflect the fact that initially the minister sought to move this motion by leave, rather than what she subsequently informed the house.

Honourable members interjecting.

The SPEAKER — Order! It is too early in the morning for members to be removed from the chamber, but I will remove members at this stage of the day from the chamber if they continue to shout across the chamber.

Ms ALLAN — On the point of order, Speaker —

Mr Paynter interjected.

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

Ms ALLAN — I would be delighted to confirm that this is a notice of motion. If it would assist the house, I would be delighted to read again that I desire to give notice that tomorrow I will move that this house —

The SPEAKER — Order! There is no need for the Leader of the House to read the motion again as part of a point of order.

Honourable members interjecting.

The SPEAKER — I am sure that *Hansard* will record what was said in the house.

PETITIONS

Following petition presented to house:

Guy Turner Reserve, Bayswater

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house that Guy Turner Reserve in Bayswater becomes an unplayable and unusable mud heap in winter, but the current Knox council will not look at fixing it before, at least, the next decade.

The petitioners therefore request that the Legislative Assembly of Victoria calls on the state government to allocate funds to upgrade the surface in time for the 2018 season.

By Ms VICTORIA (Bayswater) (195 signatures).

Tabled.

Ordered that petition be considered next day on motion of Ms VICTORIA (Bayswater).

DOCUMENTS**Tabled by Acting Clerk:**

Charter of Human Rights and Responsibilities Act 2006 — Report 2016 on the operation of the Act — Ordered to be published

Game Management Authority — Report 2016–17

Parliamentary Committees Act 2003:

Government response to the Electoral Matters Committee's Report on the Inquiry into electronic voting

Government response to the Law Reform, Road and Community Safety Committee's Report on the Inquiry into lowering the probationary driving age in Victoria to seventeen

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

Boroondara — C229, C277

Colac Otway — C86

Greater Geelong — C332

Wellington — C92 Part 2

Yarriambiack — C21.

BUSINESS OF THE HOUSE**Adjournment**

Ms ALLAN (Minister for Public Transport) (09:37) — I move:

That the house, at its rising, adjourns until Tuesday, 14 November 2017.

Motion agreed to.**MEMBERS STATEMENTS****Charles De Long**

Mr HODGETT (Croydon) (09:38) — I wish to acknowledge one of my Croydon constituents, Mr Charles De Long of Kilsyth, for an excellent initiative he is spearheading to support stroke services at Eastern Health. In May this year, Charles, a tenor and singing teacher, suffered a stroke. Like many stroke sufferers, he was initially unaware but was soon admitted to Box Hill and William Angliss hospitals and

later undertook rehabilitation at the Peter James Centre — all arms of Eastern Health. Charles explained, 'I had a stroke in 2017 and I couldn't talk at all. I couldn't utter a word'. He was worried he would never sing again. After receiving treatment, however, Charles is recovering well and is now giving back to those who helped him in this difficult period through music and song.

As I understand, Charles has nurtured a lifelong passion for singing and performance that has seen him travel from his birthplace of South Africa to stages around the world. Now residents will have the pleasure of hearing Charles perform a very special concert organised by him to raise money for Eastern Health and say thankyou to the doctors, nurses and staff that supported his rehabilitation and recovery. The concert will feature excerpts from operatic works by Verdi, Puccini, Mozart and Bizet, all sung by Charles. These works are challenging for any performer to master and they require a high level of technical voice training and familiarity to be sung well, so to hear these works sung by a stroke survivor is a remarkable achievement.

Charles was very determined to see this concert come to fruition, and it is pleasing to see the media coverage in the local *Leader* newspapers recognise his efforts. I congratulate Charles for his determination, initiative and effort to give back to our local community and wish all the concertgoers a wonderful afternoon enjoying Charles's performance.

Bellarine Relay for Life

Ms NEVILLE (Minister for Police) (09:39) — Last weekend the annual Bellarine Relay for Life was held at Leopold Primary School. This year a total of 21 teams made up of 203 participants took part in the relay and over \$40 000 was raised for cancer research. A special mention goes to the team Breastie Besties, whose 13 members raised the highest amount, \$10 000. Well done to them. Of course not only were there hundreds of participants, but many people also volunteered their time and effort to support the teams and the event itself. My congratulations and thanks go to all those people who were part of a very successful weekend. In particular I congratulate relay chairperson Loz Hardman who once again was the driving force behind the relay. Herself a survivor, Loz really is an inspiration, and I commend her for all her work.

Indented Head boat ramp

Ms NEVILLE — On another matter, on Monday I had the pleasure of opening the new Indented Head boat ramp. The ramp was constructed with a \$360 000

contribution from the Andrews government and \$135 000 from Bellarine Bayside Coastal Management. The original boat ramp was built more than 40 years ago, and its replacement will ensure that vehicles and vessels can access the ramp more quickly and safely. The new ramp will now allow two vehicles to use the ramp simultaneously and is designed to give much safer access to the water. Of course the Bellarine Peninsula and towns like Indented Head are very popular with anglers and boaters, and with the summer nearly upon us I know the new ramp at Indented Head will be extensively used and appreciated by locals and the thousands of visitors who come to the peninsula each year.

Random House, Rochester

Mr WALSH (Murray Plains) (09:41) — I again raise the concerns of the community of Rochester and the saga of what is Random House in Rochester. Random House is a heritage-listed property under the National Trust of Australia (Victoria) and it has been allowed to go to rack and ruin by the Andrews Labor government, who just do not seem to care about what happens in regional Victoria. I raised this issue as a constituency question back in August 2016. There has been a range of correspondence with the minister since, including correspondence back in June this year, when Minister Mikakos stated that she shared my concerns about the disrepair of the property, that a review would be finalised in July 2017, that she would inform me of the department's decision in relation to the property going forward and that it was her intention to make sure that it is actually maintained appropriately.

Nothing has happened at Random House since that time. It is overgrown with grass. There is a severe fire risk to the house and to the surrounding community. There are fallen branches of trees rubbing on the roof. It is just not good enough, what is happening to this particular heritage-listed house in Rochester, and the community are very concerned about that.

Murrabit Country Market

Mr WALSH — In the last few seconds, I would like to congratulate Murrabit Country Market, which is celebrating its 40th year this Saturday. They have a great day planned at the Murrabit market, and we encourage anyone in northern Victoria or anyone that wants to travel to northern Victoria to come along to the Murrabit market for what is going to be a great celebration of a very proud community event.

Mid-Autumn Festival

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) (09:42) — In early October the member for Thomastown and I had the pleasure of attending the annual mooncake Mid-Autumn Festival in Epping. The event was hosted by the Whittlesea Chinese Association and the Whittlesea Vietnamese women's group, and I would like to congratulate them and their committees. They did an outstanding job. The night was a culturally enriching experience and an educational one at that. The Mid-Autumn Festival stems back to 1600 BC and celebrates the principles of gathering food and family and being thankful for bountiful harvests and harmonious unions. In ancient times, mooncakes were made as an offering to the moon, and they are now the most popular food of the Mid-Autumn Festival. Mooncake is shared with family and friends to convey completeness and harmony as well as being a delicious treat.

Our senses were engulfed by colourful and vibrant traditional performances to celebrate this event. Children performed songs, dances and plays to the delight of everyone in attendance. It was a wonderful night that truly showcased the diversity of my community in Mill Park. I am truly grateful to be a part of this community that is proud of its heritage and welcomes everyone to join in their festivities. I would like to thank the Whittlesea Chinese Association and the Whittlesea Vietnamese women's group for their invitation. I look forward to attending next year. Their committees ought to be congratulated. They are a fine bunch of people who work very diligently and hard to include all members of the community in their cultural celebrations. I certainly congratulate them.

Knoxfield Southern Cross Girl Guides

Mr WAKELING (Ferntree Gully) (09:44) — I was very pleased to attend the fifth anniversary of the Knoxfield Southern Cross Girl Guides group. This is a fantastic group that is providing wonderful opportunities for young girls in the Knox community. I congratulate all involved for their hard work in providing this wonderful opportunity for young girls.

Fairhills High School

Mr WAKELING — I was very pleased to attend the Fairhills High School valedictory dinner, where I presented an Endeavour award. I would like to pay tribute to principal Harvey Wood, to school council president Mike Hurd and to all the staff and students at

this great school. It was a well-attended event. Congratulations to all involved.

The Knox School

Mr WAKELING — I was pleased to attend The Knox School speech night. I would like to place on record my congratulations to principal Allan Shaw, who with his staff provides a wonderful education. It is a well-received school in the Knox community, and I congratulate all involved for another fantastic year at the Knox School.

McHappy Day

Mr WAKELING — I was pleased to attend McDonald's both in Mount Waverley and Ferntree Gully for McHappy Day, and I would like to place on record my thanks to Bob and Barry May and also to Howard Armytage, who operate fantastic McDonald's franchises and who do so much work with McHappy Day and raising money for Ronald McDonald House, which is a fantastic cause, particularly for the work they have done in Clayton at the Monash Medical Centre.

Glengollan Village

Mr WAKELING — I would also like to pay tribute to Glengollan Village. I attended their annual general meeting. It is a wonderful institution and a well-received organisation in Ferntree Gully.

Wyndham Tech School

Mr PALLAS (Treasurer) (09:45) — I am delighted to inform the house that recently I joined the outstanding Minister for Education to turn the sod to commence construction of Wyndham Tech School on Victoria University's Werribee campus. Wyndham Tech School will mean so much for students, teachers and families in Werribee and Wyndham. Students and principals, many of whom were on school holidays, came out on a winter's morning to witness the start of this exciting new development. This will be one of 10 tech schools built under the Andrews government's \$128 million tech school initiative. It will give thousands of young people from 18 local government and private secondary schools access to a high-tech learning environment and will also have linkages to local industries.

For this government the Education State is more than just a slogan; it is about providing far-reaching opportunities for a new generation of Victorians. Wyndham Tech School is testament to that, and I am proud that the Andrews Labor government is bringing such opportunity to the local students of Wyndham.

And of course paired with today's announcement that the state will be forgoing for-profit payroll tax to ensure that apprentices and trainees get the right start and the right education and provide the community with the skills that we need, this is a demonstration of our commitment to young people.

Sensis Business Index

Mr BURGESS (Hastings) (09:47) — For the 11th time in a row the Andrews Labor government has been given a total fail by Victorian small businesses. The latest *Sensis Business Index* delivered an F for the Minister for Small Business, Philip Dalidakis, and the Andrews government. Among the major criticisms levelled at the minister and his government were that they take too much notice of unions and do not provide support for small business. It is not surprising that some Labor MPs are pointing out that the ratings of Minister Dalidakis are worse than those recorded under the tenure of previous and sacked Labor small business minister Adem Somyurek.

The Sensis results highlight a government with its head in the sand and a minister who spends more time in other countries than his own, and who refuses to take responsibility for anything. Whether small businesses are suffering due to sky rail, the Metro Tunnel or the member for Frankston's Young Street debacle, the minister simply says, 'Not my responsibility'. He just does not get that these are small businesses and he is the person in the cabinet that stands up for them. The majority of Victorian small businesses are run by Victorian families, and when you hurt small businesses you hurt Victorian families.

School cleaners

Mr BURGESS — The Premier and Labor are implementing a plan right across the state to increase union membership and dramatically increase union donations to the Labor Party. On 22 October I was invited to address a rally of school cleaners on the front steps of Parliament House. The rally was to protest against the plan by the Andrews government to bully up to 700 small businesses out of business and hundreds if not thousands of their employees out of a job — all to increase the funding of the Labor Party through unionisation of the school cleaning process. Union organisers were sent out to schools to try to get membership and they only got 12, so the Premier decided he would change the game. He changed the rules so that from 30 June next year small businesses could not do the business.

Casey Hospital

Mr PERERA (Cranbourne) (09:48) — The Andrews Labor government's \$135 million upgrade of Casey Hospital will bring the following: an extra 128 new multi-day beds, 12 intensive care unit beds, 12 day surgical beds and six new operating theatres. This will allow for 25 000 more patients to receive treatment at the hospital each year as well as an extra 8000 procedures and 1300 births. Labor is also delivering a short-stay unit at the emergency department, which will be included in the development, as well as an upgraded pharmacy, back-of-house areas, 333 extra car parking spaces and refurbished cafe and retail areas. The expansion will mean an extra 92 jobs during construction and 21 apprenticeships. The Casey Hospital expansion is expected to be complete by the end of 2019.

Cranbourne electorate schools

Mr PERERA — It is a great pleasure to announce that Cranbourne Primary School has been allocated \$320 000 in planned maintenance funding to replace the floor structure and stumping in the administration building. Lynbrook Primary School has been allocated \$198 691 in planned maintenance funding to replace the stormwater system and also to address the roof of the gym. The Andrews Labor government through the Victorian School Building Authority has approved an application for emergency maintenance funding to address Cranbourne South Primary School's septic tank system.

Timber industry

Mr T. BULL (Gippsland East) (09:50) — I am advised this week that timber workers in East Gippsland have had their works halted, resulting in the logging contractor having to stand down his nine-member logging crew. The action not only affects his business, but I am advised it also compromises supply to the Auswest sawmill at Brodrigg. For the sake of the workers and their families, I strongly encourage the minister to ensure that in the short term alternative options are found for them to work. The timber industry cannot afford constant and ongoing disruption, so I urge the minister and this government to stand up for these workers and do more to support their operations.

Great Alpine Road

Mr T. BULL — I understand works are soon to commence on the Great Alpine Road to repair a section of the road commonly referred to as 'The Gap' between Omeo and Bindi. Having had my office speak with VicRoads, I was pleased that the 80-kilometre-per-hour

speed limit is only temporary due to these works. While they do need to be done, I encourage the minister to ensure there is limited disruption over the peak holiday period when many visit the High Country. This year will be the Mountain Cattlemen's Annual Get Together north of Omeo which will result in significantly increased traffic flows over that period.

Lions District 201V3

Mr T. BULL — As a member of the Lions Club of State Parliament, I was pleased to officially open the 41st annual convention of the Lions District 201V3 in Sale last Friday night, hosted by the Stratford Lions Club. Delegates travelled from across the Gippsland region, and the speakers on the night only reinforced what a great organisation this is and the terrific work it does not only in local communities but also on the international stage.

John Armit

Mr T. BULL — I also want to acknowledge the passing of John Armit, a well-known member of the Tambo Valley community. John lived at Bindi for many years, between Swifts Creek and Omeo. He was a terrific community worker for many, many years and will be sadly missed.

1st Eltham Scout Group

Ms WARD (Eltham) (09:51) — I want to thank 12-year-old Eltham resident Teyanah, a scout at 1st Eltham. Teyanah was a participant in Scout Shout, which is a four-week period in which scouts are encouraged to fundraise in support of a charity nominated by the Scouts Victoria State Youth Council. It was a terrific achievement by Teyanah to alone be nominated for this. This year she supported ReachOut Australia, an online mental health support service for young people. Teyanah organised and ran a sausage sizzle in Eltham Town Square on Saturday, with the support of the Eltham Chamber of Commerce and local traders, and managed to raise over \$300, a wonderful achievement and an important contribution to ReachOut. She did this despite having to rush off for a dance competition on Saturday afternoon, for which she had to also do a great deal of practice. She has juggled a lot this week. She is a terrific young woman, and I know that 1st Eltham scouts are as proud of her as I am.

Eltham High School

Ms WARD — I commend the efforts of all involved with the Eltham Mudbrick Tour for 2017. The mudbrick tour showcases the amazing architecture and

buildings of Eltham in support of the Eltham High School (EHS) music program. I thank all the teachers and organisers involved, especially Hillary Cantwell, Nicki Hauser and all parents and friends who were on the parking team, were drivers or were on the ticket desk and in the houses, as well as those who brought along the delicious cakes. In all, over 70 volunteers were involved on the day helping to showcase the beauty of our built and natural environment. This is a terrific annual fundraiser for the wonderful EHS music program, which has developed many successful musicians.

Eltham High School has a proud history of achievement in the arts, sport and academia and has a wonderful community that supports our state school wholeheartedly. My community is very proud of this school, which is highlighted by the enthusiasm at the recent announcement of nearly \$5 million —

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

Shepparton electorate schools

Ms SHEED (Shepparton) (09:53) — The Auditor-General's *Access to Education for Rural Students* report in 2014 found that regional and rural students fall behind their city counterparts when it comes to academic achievement, aspiration and secondary school completion. Falling enrolments, below-average Victorian certificate of education scores and consecutively poor NAPLAN results in the Shepparton district tell a similar story. As part of the Shepparton education plan we have surveyed community views on current service provision, and the message could not have been clearer: our kids deserve better.

For the past six months our strategic advisory committee has been working hard, both in the community and with the Department of Education and Training, to develop a blueprint for change. We have visited schools across Victoria to see firsthand how others have overcome similar challenges of declining enrolments, socio-economic disadvantage and general lack of financial investment. After the first round of consultation four options were developed but were quickly refined to two, with the community-favoured option having the potential to bring fundamental change to the way in which education is delivered in Shepparton and Mooroolbarna by combining our four secondary schools possibly into one, but located on one or two campuses.

I acknowledge that this is drastic change, but the time for putting band-aids on the system has gone. It is time for transformation. The plan is to start with secondary

schools, but we know that a child's early years are the key to future success and have identified an immediate need for this to be addressed in Mooroolbarna. The advisory committee will be finalising its recommendation to the Minister for Education in preparation for consideration in the next budget.

Australian Mesopotamia Arts Group

Ms HALFPENNY (Thomastown) (09:54) — On 2 October I had the great pleasure of visiting the Victorian Artists Society in its historic building on Albert Street. The artists society was established in 1856 by great artists such as Arthur Streeton and Tom Roberts. I had the pleasure of going to the society to introduce the Australian Mesopotamia Arts Group, which is based in the electorate of Thomastown. This is a group of very accomplished Iraqi artists who live in the area and want to extend out to mainstream artists in Victoria.

We attended the artists society, and the manager was very kind and generous with his time. We had a tour of the heritage building, including the recent renovation and restoration work, for which they received a small amount of funding from the state government. We were also given a tour of the very exciting Spring exhibition, which is on display at the artists society.

This society holds exhibitions of member artists four times a year, and I look forward to attending its artist of the year awards later this year. Well done to the Victorian Artists Society. I thank Mr Ray Wilson for his time and for reaching out to the Iraqi artists, who were very happy to attend.

Royal Geelong Show

Mr KATOS (South Barwon) (09:56) — On 20 October I had the honour of officially opening the 2017 Royal Geelong Show. This is one of the great regional agricultural shows of Victoria, which is evidenced by the ever-increasing number of entries in all of its activities, from horses to dogs to birds to home crafts. It includes the excitement of woodchop events, supported by the show bags and fairground rides, all of which are for the enjoyment of people of all ages. Congratulations to president Sheree Seiffert and her team of council members, volunteers and support staff, who saw a huge attendance once again at the 2017 Geelong show.

Torquay Bowls Club

Mr KATOS — I was also most pleased to receive the news that the Torquay Bowls Club was recognised with the Bowls Australia Club of the Year award for

2017. The award was announced at an event on the Gold Coast in Queensland last Thursday, with the Torquay club coming in ahead of some 1870 other bowls clubs from around Australia. The award acknowledges years of innovation, including in response to the changing demographics within the wider Surf Coast community.

From a club that was in decline, with only 170 members, it now has a combined membership of 880 people, with over 400 affiliated bowlers. Twilight bowls brings together over 240 people each week. The club excels in community engagement, but it is also its administration and membership initiatives that have led to it being recognised as the Australian club of the year.

The club has also established a good relationship with both Torquay College and Surf Coast Secondary College, with learn-to-play-bowls sessions provided for students, overseen by club members. Well done to president Mac Smith and his committee and leadership team.

Central Highlands prevention lab

Mr HOWARD (Buninyong) (09:57) — Last week I joined the member for Wendouree in announcing a \$150 000 investment for a business case to develop a prevention lab to help improve long-term health outcomes in our region. This initiative is a direct outcome of last November's regional assembly, where health and in particular the improvement of long-term health outcomes for people in the Central Highlands were identified as priorities. As a result the government has been working with local health agencies to set a long-term goal of a 5 per cent increase in the number of people in the community meeting healthy eating and physical activity guidelines. Lifestyle risks include smoking, overeating, not consuming enough fruit or vegetables daily, not enough physical activity and the consumption of too many sugary drinks. On almost all of these measures people in our region, male and female, have high lifestyle risk factors, and these are all entirely preventable.

The establishment of a prevention lab will better coordinate community health services and public health campaigns and support programs at local schools and sporting clubs to directly tackle poor personal health to achieve this goal.

Heart Foundation health presentation

Mr HOWARD — Preventative health was also the main theme of my recent visit to Sovereign Gardens in Sebastopol to open a community health presentation by

the Heart Foundation for elderly residents. At the Heart Foundation presentation, one of many undertaken across Ballarat, residents learned about preventative risk factors. I want to commend the Heart Foundation for their great work in this area.

Beechworth heritage goldmine sites

Mr TILLEY (Benambra) (09:59) — I recently had the opportunity to discover a rare gem in the heritage-rich country around Beechworth. Tucked away at the end of an overgrown track and down a dirt road are forgotten remnants of our colonial history. When the gold panners left Beechworth in the mid-1860s, miners looked underground. As a result the Wallaby and Rechabite mines became major producers of more than \$3 billion in gold that was dug up and blasted out of the tunnels around the late 1800s. A nearby gold battery, already on the heritage register and restored at a cost of \$50 000 after the 2003 fires, was used to extract the gold from rock. Today you have to scale two fences to get to the battery. Tracks to the mine are overgrown and have fallen into disrepair.

I have said it before and copped plenty of flak, but I advise the member for Buninyong and other members that Beechworth remains the only faithful representation of Victoria's goldmining history. It is not a movie set or a theme park, and I know I am saying this in the week after the Labor government committed \$8 million to Sovereign Hill and some costumes. It does not take much imagination to see these mines and the gold battery as part of a bike or walking trail celebrating Beechworth and Victoria's goldmining legacy. Beechworth's Geoff Palmer, Joe Krauss and Jamie Kronborg showed me around the mines and they want this history, as I do, accessible to everybody. I am committed and I will do all in my power to make that happen.

Hobsons Bay Community Fund

Mr NOONAN (Williamstown) (10:00) — I rise to acknowledge the significant support that the Hobsons Bay Community Fund has granted to so many local community organisations. The fund is a perpetual philanthropic fund established in 2006 to strengthen social inclusion in the community. The fund relies on contributions from local businesses, organisations and individuals, both in cash and in kind. Importantly, every single dollar raised is returned and reinvested back into the community.

The types of organisations that benefit from the fund are diverse, ranging from welfare and housing groups, arts, sport, health and environmental groups, amongst many others. Over 11 years the fund has provided

more than \$200 000 to about 70 grant recipients, including 11 in 2017. This year the fund's donations included \$4000 to Emma McLean kindergarten to support them in opening up their existing outdoor education program to the wider community; \$5000 to West Welcome Wagon to provide essential supplies to asylum seekers in the community; and \$5000 towards the program Reaching across the Ages run by the Williamstown Community and Education Centre, which will facilitate mature-aged volunteers meeting and reading stories with children in child care.

I would like to thank the hardworking committee members, including the chair, Hayden Raysmith, Cr Peter Hemphill, Liam Cummins, Kerri Pyne, Helen McVay, David Mattner, Adrian Butera, Katherine Baron-Ancliffe, Craig Eyes, Vedran Drakulic, Ashley Thompson and John Clarke. Through the fund's great work Hobsons Bay will continue to be a place of social inclusion.

Ashburton, Ashwood & Chadstone Public Tenants Group

Mr WATT (Burwood) (10:02) — As someone who grew up in public housing I always enjoy the dinner held by the *Ashburton, Ashwood & Chadstone Public Tenants Group*. This year's dinner, like every other year, was a good opportunity to catch up with locals and listen to the Big O or Elvis. Thanks to Natalie Rabey, the Encounter Baptist Church and the organising committee.

Harlequin Rugby club

Mr WATT — The Harlequin Rugby club has another team that is a force to be reckoned with. Congratulations to the Quins' wheelchair Rugby team, which has gone back to back in what can only be described as an awesome display by some of the best players in the world. The fierceness attributed to the players is an inspiration to all who watched the game.

Parkhill Primary School

Mr WATT — Recently I had a tour of Parkhill Primary School with acting principal Elaine Brady. It was a great opportunity not only to discuss education issues more broadly but also to see the progress of the \$5 million development following my election commitment in 2014.

Vietnamese Senior Cultural Association

Mr WATT — I attended the Vietnamese Senior Cultural Association moon festival held at Samarinda Ashburton Aged Services. The children showcased

their lanterns in a parade and Cr Garry Thompson showcased his considerable dancing skills. I thank president Yen Bui, vice-president Lloyd Tran and all the organisers for the invitation.

Gardiners Creek Trail

Mr WATT — Gardiners Creek Trail is a very important trail in my electorate. There is only one point on the trail which has a bit of a problem, and that is at High Street Road. I encourage the government to do all it can to make sure that the crossing is much safer for the kids but also for residents like me who use the trail regularly to get to and fro.

Republic of Turkey

Ms SULEYMAN (St Albans) (10:03) — On Monday, 30 October, I had the opportunity to join the Turkish community to celebrate the 94th anniversary of the foundation of the Republic of Turkey. The Turkish community has contributed so much to Victoria. They have played a vital role in our multicultural state in areas such as sport, business, banking, politics, arts and much more.

Keilor Downs College

Ms SULEYMAN — I take this opportunity to thank Keilor Downs College students. This year 270 students participated in the Premiers' Reading Challenge and read over 9000 books, which is such a fantastic effort. Their favourite book was *Harry Potter and the Cursed Child*. Students were very excited with the announcement that Harry Potter will be coming to Melbourne. I thank principal Linda Maxwell and teachers at Keilor Downs College for their guidance and support of students in their outstanding achievement this year.

Diwali festival

Ms SULEYMAN — Recently the Victorian Indian community celebrated the Diwali festival, with celebrations including Hindu rituals, cultural performances, Bollywood workshops, many food stalls and fireworks displays within my electorate and around Victoria. I take this opportunity to wish great health, happiness, peace and prosperity to Victoria's Hindu community and to congratulate all the volunteers for hosting a very successful event.

Sunshine Lantern Festival

Ms SULEYMAN — I also had the opportunity to attend the Sunshine Lantern Festival this year hosted by the Sunshine Traders Association.

Great Ocean Road cycling event

Mr RIORDAN (Polwarth) (10:05) — On Saturday, 21 October, a rogue cycling event was held on the Great Ocean Road, starting and finishing in Lorne and using dangerous Otway roads. After my question to the Minister for Police yesterday seeking to know what sanctions will be put in place for such behaviour, it was further brought to my attention that the organisation running the event has deliberately used a name almost identical to that of a well-known and respected existing cycling group. It appears that Mr Richard McDonnell has set up an organisation called Great Ocean Road Cycling Pty Ltd, commonly known as GORC, which is almost identical in name to the older and well-established Great Ocean Road Cycling Incorporated, also known as GORC. Mr McDonnell and his organisation have deliberately traded on the goodwill of the existing organisation to attract riders to the event. The craft beer company à Bloc was a sponsor and promoter of the event, and it has encouraged riders to post their photos of the event online.

Local government, Victoria Police and reputable cycling groups must join together with local community groups who seek to promote safe cycling in our beautiful regional areas to help prevent such illegal events from occurring again. Cyclists must be educated to know that cycling events in regional areas must be approved by local authorities, who can then ensure roads are safe and local communities are managed for minimal disruption.

I further urge Victoria Police to investigate the bona fides of Great Ocean Road Cycling Pty Ltd and Mr Richard McDonnell to make sure that they have not used false and misleading information to promote their illegal event.

Wooranna Park Primary School

Ms WILLIAMS (Dandenong) (10:07) — Recently I visited Wooranna Park Primary School to pay a visit to the grade 2 class, who have created their very own classroom Parliament. The kids have formed three committees charged with determining priorities across a number of themes, in much the same way that we do in this place. They are very passionate about their school community, and the ideas generated from their committee deliberations included everything from new food days to a maths week, playground enhancements and much more.

But the grade 2 class have some concerns. I received a letter from two of the grade 2 students, Damien and TJ, which outlined these concerns with great clarity. The

students were keen to discuss this matter in greater detail when I visited. The grade 2 students want to visit Parliament and they want to sit in on question time, and they were very disappointed to learn that this is something we reserve for older year levels. As such, they are advocating for a change to this rule so that they might be able to see firsthand how our state is governed and what leadership looks like in a parliamentary context. This group of students is organised; they are intelligent and they are active members of their community. After visiting this class it was apparent to me that their commitment to pursuing this issue is unshakeable. They are very serious indeed.

I committed to raising this matter with the Presiding Officers so that we might be able to assist in their request, and I hope the Speaker and the President will look upon this request favourably. I am quite certain that these bright young people will not be distracted from their goal. These are the leaders of the future, and the future is in very good hands. I thank the students and the grade 2 teachers for having me.

Sin é.

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

Statement of compatibility

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter'), I make this statement of compatibility with respect to the Crimes Legislation Amendment (Protection of Emergency Workers and Others) Bill 2017 (the bill).

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

Overview

The bill introduces new offences to specifically address incidents where offenders use motor vehicles to harm police and other emergency workers.

The bill delivers on the government's commitment to protect police and other emergency workers from violence and harm.

The bill will amend the Crimes Act 1958 to introduce the following new offences:

- a. intentionally exposing an emergency worker, a custodial officer or a youth justice custodial worker

to risk by driving (maximum 20 year term of imprisonment);

- b. recklessly exposing an emergency worker, a custodial officer or a youth justice custodial worker to risk by driving (maximum 10 year term of imprisonment);
- c. damaging an emergency services vehicle (maximum five-year term of imprisonment).

A statutory two-year minimum term of imprisonment will 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.

Further, intentionally or recklessly exposing an emergency worker to risk to safety by driving will require the imposition of a custodial sentence if the offence is committed in certain aggravating circumstances, for example, where the motor vehicle is stolen.

Human rights issues

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

Protection from cruel, inhuman or degrading punishment (section 10 of the charter)

Section 10 of the charter provides the right for a person to not be treated or punished in a cruel, inhuman or degrading way. In my opinion the bill does not limit this right.

Statutory minimum non-parole period

The amendments require the court to impose a statutory minimum sentence of two years 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. This requirement is relevant to the right to protection from cruel, inhuman or degrading punishment in section 10 of the charter.

Although this right is relevant, the bill contains safeguards that protect against the imposition of a sentence of imprisonment that is inappropriate, unjust or disproportionate. The safeguards include the availability of full sentencing discretion where a court is satisfied of the existence of a special reason in relation to an offender or the particular circumstances of a case as set out in section 10A of the Sentencing Act 1991. The special reasons are:

the offender assisted or has undertaken to assist in the investigation or prosecution of an offence; or

the offender was aged over 18 but under 21 years of age at the time of the commission of the offence and can prove that due to psychosocial immaturity was unable to regulate his or her behaviour; or

the offender can prove he or she has impaired mental functioning; or

the court makes a hospital security or residential treatment order; or

there are substantial and compelling reasons that justify a departure from the statutory minimum sentence.

These statutory minimum sentences do not apply to offenders who were under 18 years old at the time of the commission of the offence. The working group — comprised of representatives from the Department of Justice and Regulation, Victoria Police, and the Police Association of Victoria — which developed these offences considered that statutory minimum sentences would not act as a deterrent to children who may commit these offences. Instead, the working group in consultation with the Children's Court of Victoria is considering other measures to ensure young people are sentenced and supervised in the community appropriately.

Requirement to impose a custodial sentence in certain circumstances

Intentionally or recklessly exposing an emergency worker to risk to safety by driving will require the imposition of a custodial order if the offence is committed in certain aggravating circumstances, for example, where the motor vehicle is stolen or is committed in connection with a serious indictable offence. This will mean that offenders cannot be sentenced to a community correction order or other community-based order.

This requirement is also relevant to the right to protection from cruel, inhuman or degrading punishment (section 10). However, the amendments also maintain safeguards to prevent the imposition of a custodial sentence when it is inappropriate or unjust. The requirement does not apply to offenders under the age of 18 at the time of offending, and the special reasons (as described above) are replicated for these provisions, meaning a court will retain full sentencing discretion when one of these reasons exists.

Right to liberty and security of person (section 21 of the charter)

Section 21 of the charter provides that every person has the right to liberty, and that a person must not be deprived of his or her liberty, except on grounds, and in accordance with procedures, established by law. Section 21 also provides that every person has the right to security.

The right to liberty needs to be balanced with the right to security, specifically, the community's right to safety and security, which includes protection from being subject to criminal offending. Although conviction for the new offences may result in the deprivation of liberty, it will only arise as a result of a sentence imposed after conviction for an offence by an independent court after a fair hearing.

These offences and corresponding penalties apply to a clearly defined cohort of victims, that is, emergency workers, custodial officers and youth justice custodial workers on duty where the prosecution proves that the offender knew or was reckless as to whether the victim was an emergency worker, custodial officer or youth justice custodial worker. By working in dangerous environments, these people play an important role on behalf of the broader community. In these circumstances the deprivation of an offender's liberty is necessary to preserve the right to security of person of emergency workers, custodial officers and youth justice custodial workers on duty.

Right to a fair hearing (section 24 of the charter)

Section 24(1) of the charter provides that a person charged with a criminal offence has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. In my opinion this right is not limited by this bill.

The right in section 24(1) is engaged by the sentencing provisions which apply to three new offences created by these amendments which restrain judicial discretion. Although there is a general requirement that in certain circumstances courts impose a minimum non-parole period or a custodial order, this requirement is restrained. As outlined above, these sentencing provisions provide that where special reasons exist, including the existence of substantial and compelling circumstances, a court retains full sentencing discretion. This will ensure the imposition of sentences that are just and appropriate in the circumstances, allow the courts to take into account factors that reduce an offender's culpability and justify a departure from the requirement to impose a statutory minimum sentence.

Further, the amendments are necessary to introduce appropriate sentences to effectively protect, punish and deter violence against emergency workers performing their professional duties in circumstances where the offender knew or was reckless as to whether the victim was an emergency worker.

These amendments do not impact on a person's ability to respond to the allegations made against them, to advocate for why they should be shown leniency by the sentencing court, to appeal the decision of a sentencing court or to have their matters determined consistently with the rules of procedural fairness, criminal procedure and other sentencing laws.

Rights in criminal proceedings (section 25 of the charter)

Section 25(1) of the charter provides the right to be presumed innocent, and section 25(2) outlines minimum guarantees in criminal proceedings.

Presumption against bail for offender

A presumption against bail will apply to offenders charged with any of the new offences. This means that offenders will be required to show compelling reasons as to why they should be granted bail.

In Victoria, there is a presumption that a person accused of an offence who is held in custody shall be granted bail. This reflects section 25(1) of the charter which states that a person has the right to be presumed innocent until proven guilty, and supports an accused person to remain in the community pending the determination of the charges. This presumption of bail is subject to a number of exceptions, directed at ensuring that an accused person is not a danger to the public, does not commit offences while on bail, and appears at subsequent criminal hearings including their trial.

Due to the serious nature of these offences, it is proportionate, reasonable and appropriate that an offender charged with any of these offences is required to demonstrate compelling reasons as to why they should be released into the community on bail.

An accused's rights in section 25(2) are not affected by these amendments, which maintain the accused's ability to be informed of the charges against them, communicate with

legal representatives, obtain legal assistance and generally prepare their defence.

Right not to be tried or punished more than once (section 26 of the charter)

Section 26 of the charter provides that a person must not be punished more than once for an offence in respect of which they have been convicted.

This bill creates a presumption in the Sentencing Act that every term of imprisonment imposed on a person for any of the five offences must, unless otherwise directed by the court, be served cumulatively on any uncompleted sentence of imprisonment imposed on that offender. This requirement is relevant to the right not to be tried or punished more than once in section 26 of the charter.

Although this right is relevant, in light of the purpose of providing adequate deterrence from harming emergency workers on duty, the right is not unjustifiably limited by the requirement for sentences to be served cumulatively. Additionally, despite the legislative presumption, a court can direct that a term of imprisonment be served concurrently where it considers necessary to achieve the aims of sentencing.

In my opinion this bill does not limit any charter rights.

The Hon. Lisa Neville, MP
Minister for Police

Second reading

Ms NEVILLE (Minister for Police) — I move:

That this bill be now read a second time.

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

The Crimes Legislation Amendment (Protection of Emergency Workers and Others) Bill 2017 introduces new offences in the Crimes Act 1958 to protect police from harm.

On 9 August 2017, I announced that the government would fast track new laws to specifically address incidents where offenders use motor vehicles to harm police and emergency workers. This bill contains these laws.

These reforms have been developed in close consultation with Victoria Police and the Police Association of Victoria.

This bill introduces the following offences, which have been endorsed by Victoria Police and the Police Association:

intentionally exposing an emergency worker, a custodial officer or a youth justice custodial worker to risk by driving (maximum 20-year term of imprisonment);

recklessly exposing an emergency worker, a custodial officer or a youth justice custodial worker to risk by driving (maximum 10-year term of imprisonment); and

damaging an emergency services vehicle (maximum five-year term of imprisonment).

The bill also introduces aggravated versions of the new offences of intentionally or recklessly exposing an emergency

worker, a custodial officer or a youth justice custodial worker to risk by driving.

These reforms are broader than just police car ramming and damage to property. They focus on the safety of police and emergency workers, and cover incidents where offenders drive at a police officer who is not in a car.

A statutory two-year minimum term of imprisonment will 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.

Further, intentionally or recklessly exposing an emergency worker to risk to safety by driving will require the imposition of a custodial sentence if the offence is committed in certain aggravating circumstances, for example, where the motor vehicle is stolen, where the offence occurred in connection with another indictable offence, or where the offender has also damaged the emergency service vehicle.

Violence towards police and emergency workers in the line of duty is unacceptable and will not be tolerated. These reforms reflect the government's commitment to cracking down on offenders who harm, or seek to harm, a police officer or emergency worker.

Through the design of these offences and penalties the government's expectation and intention is clear — charges for the offences of exposing an emergency worker to risk offence and the damage to an emergency services vehicle charges can and should (where appropriate) be laid and prosecuted simultaneously, thereby requiring the imposition of a custodial sentence.

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.

To ensure that offenders whose conduct exposes emergency workers to harm receive appropriate and targeted sanctions, the working group will review police prosecutorial practices to address the circumstances in which plea arrangements are entered into in cases involving police harm offences.

These new offences are comprehensive in scope and strong in sentencing. Fittingly these offences are also accompanied by:

a presumption against bail — offenders must show compelling reasons as to why they should be granted bail; and

if found guilty, it is the intention of this bill, that every term of imprisonment imposed on a person for the new offences, must be served cumulatively on any sentence of imprisonment imposed on that offender and still to be served.

Furthermore, persons found guilty or convicted for exposing an emergency worker to risk by driving will be subject to driver's licence confiscation and disqualification provisions; and these offences will be captured in the Road Safety Act 1986 which will mean the vehicles used in the commission of offences can be subject to impoundment and forfeiture.

The government has asked the working group to develop a more comprehensive suite of reforms to address harm to police, and legislative measures to further protect police from harm will be brought forward for government to consider shortly.

I commend the bill to the house.

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

Debate adjourned until Thursday, 16 November.

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

Statement of compatibility

Mr DONNELLAN (Minister for Roads and Road Safety) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter), I make this statement of compatibility with respect to the Transport Legislation Amendment (Road Safety, Rail and Other Matters) Bill 2017 (the bill).

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

Overview

The bill implements a number of reforms to Victoria's road safety scheme through amendments to the Road Safety Act 1986, including reforms aimed at reducing deaths and injuries on Victoria's roads such as introducing behaviour change programs for persons who commit drink-driving and drug-driving offences.

The bill improves rail safety in Victoria by amending the Rail Safety (Local Operations) Act 2006, including by providing for the drug testing of persons engaged in rail safety work.

The bill facilitates improved transparency of access to rail infrastructure for rail freight services by replacing the current rail access regime in the Rail Management Act 1996 with a more light-handed approach.

The bill amends 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.

The bill also makes minor and technical changes, and of a statute law revision nature, to transport legislation including the Transport (Safety Schemes Compliance and Enforcement) Act 2014, and to the Marine (Drug, Alcohol and Pollution Control) Act 1988 to enable regulations to be made in respect of administrative arrangements for the storage of blood samples.

Human rights issues

Several aspects of the bill raise human rights issues. Where appropriate, I deal with these aspects thematically to avoid duplication.

Driver licence or learner permit suspension, cancellation and disqualification

Section 12 of the charter provides that every person lawfully in Victoria has the right to move freely within Victoria and to enter and leave it.

A number of provisions in the bill relate to circumstances in which a person's driver licence or learner permit is suspended, or where a person's driver licence or learner permit is cancelled and the person is disqualified from holding a licence or permit, under the Road Safety Act 1986, including:

clause 5 of the bill, which inserts new section 23A into the Road Safety Act 1986;

clause 9 of the bill, which substitutes section 50(1) and (1A) of that act;

clause 12 of the bill, which substitutes section 89C(1) of that act;

clause 24 of the bill, which inserts new section 58C(1), (3) and (4) of that act; and

clause 58 of the bill, which inserts new section 41A of that act.

For example, substituted section 50(1) and (1A) provide that the court must cancel a person's licence or permit and must disqualify a person from obtaining one if the person is convicted or found guilty of certain alcohol-related offences, and substituted section 89C provides for the cancellation of licences or permits for drink-driving infringements.

While these provisions are relevant to the freedom of movement, in my view they do not limit the right because the person to whom they apply is free to use other forms of transport such as walking, cycling or public transport and, in addition, may be a passenger in a private motor vehicle provided that the person does not drive.

Section 8(3) of the charter provides that everyone is entitled to the equal protection of the law without discrimination. This includes protection from age-based discrimination. Clauses 12 and 13 of the bill amend section 89C and schedule 1 to the Road Safety Act 1986, which provide for the periods for which a driver licence or learner permit is cancelled if a traffic infringement notice for a drink-driving offence has been issued and no notice of objection has been given.

Section 89C, in its current form and as amended by the bill, provides for longer periods of licence cancellation for persons under 26 years of age. The proposed amendment to section 89C may limit the right to equality in section 8(3) of the charter to the extent that the provision discriminates against such persons on the basis of age. However, I consider that the provision is objective and reasonable, and is demonstrably justified in accordance with section 7 of the charter.

The rationale for retaining stronger sanctions for drink-driving offenders under 26 years of age is that this

group of offenders is more vulnerable due to inexperience compared with other driver groups and there is ample research available that demonstrates that drivers under 26 years old are at particular risk of being involved in motor vehicle accidents. Section 89C seeks to address this by ensuring that these drivers receive an appropriate disqualification period that will have the effect of deterring further dangerous road safety behaviour. Section 89C is a proportionate response to the risk posed by these drivers and is necessary to protect other road users. In my view, there are no less restrictive measures that are available.

Clause 43 of the bill amends section 24(3) of the Road Safety Act 1986 by substituting 'infirmary, defect or incapacity' with the words 'disability, medical condition or injury'. Existing section 24(3) currently provides that, in suspending a driver licence or learner permit on the ground that it would be dangerous for the person to drive, the Roads Corporation (VicRoads) may do so on the basis of a report given by a medical practitioner and without conducting any other hearing or investigation. In considering the matter, VicRoads will have regard to any link between the disability, medical condition or injury and the capacity of a person to drive.

The section 8(3) right is relevant to this provision in that it might disadvantage persons with a protected attribute such as a disability insofar as that attribute affects the capacity of a person to drive. However, in my view, the criteria for suspension in the regulations (to which the provision relates) are reasonable and objective and do not amount to discrimination so as to limit the right to equality. Even if it is considered that the right to equality is limited, this is justifiable on the basis that road safety is of paramount importance to the general community and the inherent requirements of driving a motor vehicle include that drivers meet an appropriate standard of medical fitness.

Section 24 of the charter provides that a person has a right to a fair hearing. The right applies to civil proceedings as well as criminal proceedings. I note that, while section 24(3) of the Road Safety Act 1986 does not provide an affected person an opportunity to put their case to a decision-maker prior to the exercise of power, section 26 of the Road Safety Act 1986 provides for these decisions to be considered by the Magistrates Court on appeal. In any event, it is reasonable for VicRoads to rely on the report of a medical practitioner in making this decision. Insofar as section 24(3) engages the section 24 charter right to a fair hearing, I do not consider that the right is limited.

Alcohol interlocks

Clause 6 of the bill inserts new section 23B into the Road Safety Act 1986, and provides that VicRoads must not grant a driver licence or learner permit to a person who is subject to an alcohol interlock condition unless a certificate is provided to VicRoads by the person confirming that an alcohol interlock has been installed in the person's vehicle at the request of the person. Alcohol interlocks collect information regarding the presence of alcohol in a person's breath and prevent the vehicle from being started if alcohol is detected.

Clause 8 of the bill substitutes section 31KB of the Road Safety Act 1986 to specify circumstances in which a driver licence or learner permit must be made subject to an alcohol interlock condition.

Section 13 of the charter provides that a person has the right not to have the person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

Insofar as the right to privacy is engaged by the requirement in new section 23B to provide a certificate to VicRoads, in my view it is not limited because an application for a driver licence or learner permit is entirely voluntary.

Amended section 31KB(3) provides that an alcohol interlock condition may be imposed on the basis of an application for a driver licence or learner permit made by a person to whom amended section 31KB applies, and any matters that appear in records kept by VicRoads, without conducting any hearing or investigation. The provision relates to a mandated administrative process and whether a person falls within the ambit of the provisions is a question of fact which is ascertainable from information in the person's application or VicRoads' records. To the extent that the provision engages the section 24 charter right to a fair hearing, in my view the right is not limited by the provision.

The alcohol interlock provisions may engage the section 20 right not to be deprived of a person's property other than in accordance with law, because a person is only able to obtain a licence or permit to drive the vehicle if an alcohol interlock is fitted to the vehicle, which requires modifications to the vehicle to accommodate the device. In my opinion, the provisions do not limit the right because the circumstances in which a device must be fitted are clearly formulated and are in accordance with the law. In addition, an application for a licence or permit (and therefore the fitting of an alcohol interlock device) is a voluntary process.

Section 26 of the charter provides that a person must not be punished more than once for an offence. The alcohol interlock provisions in the bill are administrative in nature and do not impose punishment for a criminal offence. Rather, the requirements are imposed where a person wishes to apply for a driver licence or learner permit after a period of disqualification for a drink-driving offence. As such, in my view the new provisions do not engage section 26 of the charter.

For completeness, new section 31KB does not limit the right in section 27(2) of the charter not to have a greater penalty imposed for a criminal offence than applied to the offence when it was committed. An alcohol interlock condition is not a penalty, so there is no issue of an increased penalty for a criminal offence. Rather, the condition is imposed when a person applies for a licence or permit which, as indicated, is an entirely voluntary process. The alcohol interlock assists a person found guilty of a drink-driving offence to separate that person's drinking from driving and can therefore be better described as a therapeutic measure designed to assist the person to avoid committing another drink-driving offence in the future.

Road safety behaviour change programs

The bill introduces new provisions requiring persons to undertake a behaviour change program following drink and drug driving offences. The key provisions are inserted by clause 24 of the bill as new part 5A of the Road Safety Act 1986.

New part 5A provides that VicRoads must not issue a driver licence or learner permit to a person who has committed specified drug and alcohol related offences unless the person

has completed a first-stage behaviour change program. A person may also be required to complete a second-stage behaviour change program prior to having an alcohol interlock condition removed.

Neither requirement imposes punishment for a criminal offence. As with alcohol interlock conditions, the requirements are imposed where a person wishes to apply for a driver licence or learner permit after a period of disqualification for an offence and are administrative in nature. For this reason, the new provisions do not engage section 26 of the charter.

In addition, the section 12 freedom of movement is not limited because the person chooses to make an application for a licence or permit and in any event is able to use other forms of transport besides driving a motor vehicle.

New part 5A of the Road Safety Act 1986 provides that an approved provider of a behaviour change program may, as part of that program, refer a participant to medical or other therapeutic services. New section 31H(c) of the Road Safety Act 1986 provides that a court may inquire whether the applicant attended those services and may have regard to whether the applicant attended or not on an application for a licence eligibility order. This may engage the section 13 charter right to privacy, but any interference will be lawful and not arbitrary and so, in my view, the right is not limited.

The referral to medical or other therapeutic services is also relevant to the section 10(c) charter right not to be subjected to medical treatment without full, free and informed consent. However, in my view, the right is not engaged because the applicant will need to provide free and informed consent prior to receiving these services.

Impoundment, immobilisation and forfeiture of motor vehicles

Part 2.3 of the bill amends the existing motor vehicle impoundment, immobilisation and forfeiture provisions in the Road Safety Act 1986 by revising the definition of *relevant offence*. Part 2.3 of the bill also makes consequential changes to the courts' powers to order the impoundment, immobilisation or forfeiture of a motor vehicle following the conviction or finding of guilt of a person for a relevant offence in certain specified circumstances. Clause 74 of the bill makes amendments to existing section 63B of the Road Safety Act 1986 to provide that vehicle immobilising devices may be used in police pursuits.

Section 20 of the charter provides that a person must not be deprived of the person's property other than in accordance with law.

In my opinion, the provisions engage the section 20 right. However, the provisions do not limit the right because the circumstances in which the court can make an order, and in which vehicle immobilising devices may be used, are clearly formulated and are in accordance with, and constrained by, law. In addition, forfeiture is not mandatory and existing provisions in the Road Safety Act 1986 provide third party protection from the effects of a forfeiture order. In addition, a person may apply for relief from a forfeiture order in cases of exceptional hardship as specified in the act.

The provisions may also engage the section 12 freedom of movement, however in my view the right is not limited because affected persons are free to use other methods of

transport and, if the person holds a driver licence or learner permit, the person is free to drive an alternative vehicle.

Inspection of motor vehicles and trailers

Clause 72 of the bill inserts new sections 13(1A), (1B) and (1C) into the Road Safety Act 1986 to provide for random safety inspections of motor vehicles and trailers located in a public place, whether the vehicle is attended or unattended. If the vehicle is attended, this may limit the freedom of movement in section 12 of the charter if the person attending the vehicle is required to remain in place for a limited period of time. However, the right has been found to be subject to compliance with regulations legitimately made in the public interest, such as traffic laws. The provision is directed at enabling the police to effectively discharge their road safety compliance functions, including ensuring that vehicles meet relevant safety standards. Accordingly, I am satisfied that any limits on the freedom of movement are reasonable and are justified in accordance with section 7 of the charter.

I also note that the provision is limited to external inspections of vehicles, except for inspections under the bonnet, hood or other covering of the engine in limited circumstances. Inspection under the bonnet, hood or other covering of the engine is only permitted if the officer conducting the inspection believes on reasonable grounds that the driver of the motor vehicle is not complying with the Road Safety Act 1986 or regulations and rules made under them in driving a motor vehicle of that kind or if the driver or registered operator of the motor vehicle consents to the inspection.

Insofar as the right to privacy is engaged by the provision, in my view it is not limited because the provisions are constrained, lawful and are not arbitrary.

Records of persons driving motor vehicles

Clause 65 of the bill inserts new section 93(6) into the Road Safety Act 1986 to provide that a person's residential address or address for service may be updated on the basis of notification by a third party, such as Victoria Police, the sheriff or a court. In relying on the third party notification, VicRoads must be satisfied that the third party is a credible source of that information and that the information is likely to be up-to-date. In my view, this provision engages, but does not limit, the section 13 charter right to privacy because the recording of information provided by a third party is lawful and is not arbitrary. The records are limited to a person's name and address and are needed to ensure that VicRoads has up-to-date information of the contact details of any person who drives, or intends to drive, a motor vehicle.

Evidence from prescribed road safety cameras

Clause 75 of the bill amends section 81 of the Road Safety Act 1986 to provide that, where an image produced by a road safety camera contains images of more than one motor vehicle, a marker on a particular vehicle and a message stating the speed of that vehicle determined by the camera is, without prejudice to any other mode of proof and in the absence of evidence to the contrary, proof of the speed of that vehicle on that occasion. The provision supports the issuing of speeding fines for road traffic speeding offences.

This is relevant to section 25(1) of the charter which provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law.

The section 24 right to a fair hearing may also be engaged by provisions relating to the giving of evidence.

I consider that this provision is compatible with the section 24 and 25 rights. While the provision provides for the manner in which the speed of a vehicle may be proved, it is reasonable for the prosecution to be able to prove the speed of the marked vehicle by reference to the road safety camera image. If the accused wishes to take issue with the evidence this may be done by adducing evidence to the contrary. In my view, the provision represents a reasonable limitation on the section 25 right. Insofar as the provision also engages the section 24 right to a fair hearing, I consider that any limitations on the right are reasonable and justified for the same reasons.

Evidence of the power to mass ratio of a vehicle

New section 84(6)(ba) of the Road Safety Act 1986, as inserted by clause 70 of the bill, enables evidence of the power to mass ratio of a motor vehicle to be given by way of a statement. The evidence is, in the absence of evidence to the contrary, proof of the matters stated. The provision relates to an offence in the regulations which prohibits probationary drivers from driving vehicles which exceed a certain power to mass ratio. The provision engages the section 25(1) charter right to be presumed innocent until proven guilty according to law and the associated section 24 right to a fair hearing.

The power to mass ratio is generally set by the manufacturer of the vehicle and, for most vehicles, the manufacturer's specifications are available via online sources including the commonwealth-maintained Road Vehicle Certification System and the National Exchange of Vehicle and Driver Information System. The purpose of the provision is to enable evidence derived from these sources to be given by way of certificate, rather than to require the provision of written and/or oral evidence from the manufacturer in a prosecution. If an accused wishes to challenge the evidence, they are entitled to adduce evidence to the contrary.

Insofar as the provisions amount to a limitation on the section 24 and 25 rights, any limitation is clearly related to its purpose which is to facilitate the effective prosecution of road safety offences involving the use of prohibited vehicles by probationary drivers. I consider that any limitations on the rights are reasonable and proportionate and do not consider that any less restrictive means are reasonably available to achieve the purpose of the limitations.

False, fraudulent or counterfeit licence documents

New section 18B of the Road Safety Act 1986, as inserted by clause 42 of the bill, enables VicRoads to retain licence documents to check their validity. A copy of the licence stamped by VicRoads must be provided to the licence holder and may be relied on as evidence that the licence holder is authorised to drive, and VicRoads must return the document to the licence holder within the period specified on that copy.

New section 18C provides that VicRoads may confiscate or destroy a licence document that has been retained under new section 18B if VicRoads reasonably believes that it is false, fraudulent or counterfeit or that it has been improperly obtained.

While licence documents issued by VicRoads are the property of the state of Victoria, licences issued by another state or

territory or another country may, in some cases, be the property of the licence holder.

Insofar as the provisions engage the section 20 charter right not to be deprived of property other than in accordance with law, in my view the right is not limited because the circumstances in which a licence, or purported licence, may be held or retained and destroyed by VicRoads are clearly articulated and are in accordance with law. The provisions are clearly related to their purpose which is to ensure that only persons who are properly licenced may drive on Victorian roads.

Operation of amendments to the demerit points scheme

New section 103ZK(10) of the Road Safety Act 1986, as inserted by clause 85 of the bill, provides that the amendments to the demerit point scheme imposed by part 2.5 of the bill apply to an extended demerit point period (imposed where people who have exceeded the demerit point threshold undertake to not commit any further driving offences for 12 months on the basis that if they do so they will incur a suspension period of double what they would have originally suffered) or the suspension of a driver licence or learner permit for incurring too many demerit points whether:

the extended demerit point period or the suspension commenced before, on or after the day on which these amendments commence; or

the offences that gave rise to the extended demerit point period or the suspension were committed before, on or after the day on which these amendments commence; or

the conviction or finding of guilt in relation to those offences occurred before, on or after the day on which these amendments commence.

While these amendments apply to demerit point sanctions, offences, convictions and findings of guilt which occurred before the day the relevant provisions commence they are not inconsistent with section 27(2) of the charter which provides that a penalty must not be imposed on any person for a criminal offence that is greater than the penalty that applied to the offence when it was committed. This is because the changes to the demerit point scheme which will be effected by this transitional provision allow for extended demerit point periods and demerit point suspensions that would previously have been paused while other licence sanctions are completed to instead run concurrently with those other sanctions. Therefore these changes are in fact a benefit to motorists as compared with the current situation.

Rail safety workers — testing for drugs

The bill makes amendments to the Rail Safety (Local Operations) Act 2006 (the Local Operations Act) to insert provisions relating to the testing of rail safety workers for the presence of drugs.

Medical treatment without consent

Clause 98 of the bill inserts new sections 86CA to 86CG into the Local Operations Act. A number of these provisions engage the section 10(c) charter right not to be subjected to medical treatment without full, free and informed consent.

The provisions require rail safety workers to submit to oral fluid tests and specify the manner in which oral fluid samples must be provided. Oral fluid drug screening tests are the usual

first process for checking rail safety workers for the presence of drugs. The provisions are:

new section 86CA;

new section 86CB; and

new section 86CC.

For example, new section 86CA provides that a rail safety worker may be required to place a prescribed device or collection unit into the worker’s mouth for the purpose of undertaking a drug screening test and may be required to carry out any necessary physical actions to ensure that a sufficient sample of oral fluid has been captured by the device or unit.

In addition, new section 86CF enables an officer to require a rail safety worker to allow a blood sample to be taken if the worker is unable to furnish the required sample of oral fluid on medical grounds or because of some physical disability, or if the prescribed device is incapable of testing for the presence of a prescribed drug for any reason. Clause 99 of the bill substitutes section 86D of the Local Operations Act and provides that a transport safety officer or police officer may require a rail safety worker to allow a sample of the worker’s blood to be taken for analysis.

Evidence indicates that the use of drugs can have adverse effects on the capacity of people to carry out tasks safely. The effects of impairment of a rail safety worker and the potential consequences in the rail industry can be severe and, as a result, the industry is highly regulated in this regard. The safety of Victoria’s rail network is an essential and paramount consideration. Appropriate drug controls and an effective drug testing regime are vital in this key area of regulation.

For these reasons and given the importance of the scheme, in each case, I consider any limitation on the section 10(c) charter right to be reasonable, proportionate and justified to protect the public and other rail safety workers, and I do not consider that less restrictive means are reasonably available to achieve the purpose of the limitations.

I also consider that any limitation on the section 13 right to privacy is justified for the same reasons.

Refusal to provide oral fluid sample

Clause 95 of the bill inserts new section 77(1)(da) into the Local Operations Act to provide that a rail safety worker commits an offence if the worker refuses to provide a sample of oral fluid, or to comply with any other requirement, in accordance with new section 86CB. However, new section 86CC(5) provides that a person must not be convicted or found guilty of refusing to provide a sample of oral fluid if the worker satisfies the court that there was some reason of a substantial character for the refusal, other than a desire to avoid providing information which might be used against the worker.

This is relevant to the section 25 charter right to be presumed innocent as a persuasive burden is placed on the accused by requiring the accused to satisfy the court of the reason for the refusal. However, in my opinion, it is reasonable to require the accused to satisfy the court as to matters which are peculiarly within the accused’s own knowledge and the requirement is demonstrably justifiable and is a reasonable limitation on the section 25 right.

Insofar as the provision engages the section 25(2) right in criminal proceedings not to be compelled to testify against oneself, in my view any limitation on that right is demonstrably justified taking into account the need to ensure that rail safety workers do not carry out rail safety work if impaired by illicit drugs, and the potential consequences if a worker carries out rail safety work while impaired.

Freedom of movement

The section 12 freedom of movement is engaged by some of the provisions relating to testing for the presence of drugs, where a person may be required to undertake certain tests and to remain in place, or go to a certain place, for that purpose which necessarily although temporarily restricts a person's movement.

For example, a person may be required:

to remain at a place where drug screening is being carried out until a sample of oral fluid is collected (new section 86CA(5) of the Local Operations Act);

to accompany a transport safety officer or a police officer to a place and remain there until a sample of oral fluid can be provided and tested or a blood sample taken, or until 3 hours after the person carried out or attempted to carry out rail safety work or was involved in a prescribed notifiable occurrence (new sections 86CB(3) and 86CF(3)).

However, the section 12 right may be subject to reasonable limitations.

While the provisions engage the right, they are highly limited in scope. There are time duration limitations and the restrictions are applied in the context of a highly regulated industry. There is an overarching need to protect public safety which the provisions support and, in my opinion, the restrictions represent reasonable limitations on the right.

Evidentiary provisions (oral fluid analysis)

Evidentiary provisions in the bill relating to oral fluid analysis may engage the section 25(1) charter right to be presumed innocent. As noted above, the section 24 right to a fair hearing may also be engaged by provisions relating to the giving of evidence and burden of proof.

The bill inserts new section 86CG into the Local Operations Act. New section 86CG(1) provides that evidence derived from a sample of oral fluid is not rendered inadmissible by a failure to comply with a request under new section 86CE, which provides that a rail safety worker required to provide an oral fluid sample may request that a sample of blood is taken.

The provision engages the section 24 and 25 charter rights because evidence from oral fluid analysis may be used despite the failure to provide the rail safety worker with an opportunity to have the worker's blood tested if reasonable efforts were made to comply with that request.

Noting that reasonable efforts to comply must be made, the limitation is clearly related to its purpose which is to facilitate the effective prosecution of rail safety offences involving the use of illicit drugs and, in my opinion, is reasonable.

New section 86CG(2) enables evidence to be given by way of statements and certificates. The statements and certificates

relate to the authorisation of transport safety officers to conduct drug screening tests and to obtain oral fluid samples and for police officers to obtain oral fluid samples. These provisions engage the right to be presumed innocent as the statements and certificates are admissible in evidence and, in the absence of evidence to the contrary, are proof of the authority of the transport safety officer or police officer to conduct the tests. The associated right to a fair hearing is engaged for the same reason.

Insofar as the provisions amount to a limitation on the rights, any limitation is clearly related to its purpose which is to facilitate the effective prosecution of rail safety offences involving the illicit use of drugs. The provisions provide a means of ensuring that authorisation to conduct drug screening tests and oral fluid analysis is admissible in evidence in accordance with the substantive provisions of the bill. I consider that any limitations on the rights are reasonable and proportionate and do not consider that any less restrictive means are reasonably available to achieve the purpose of the limitations.

Offence provisions — evidentiary onus

The bill provides for a number of statutory offences which shift the burden of proof onto an accused in criminal proceedings. This is relevant to the section 25(1) right to be presumed innocent.

Exceptions and provisos

The bill modifies or restructures a number of Road Safety Act 1986 offences which include exceptions to the offences. For example:

clause 40 of the bill substitutes section 18(1), (1A), (2) and (3) of the Road Safety Act 1986 to provide that a person must not drive a motor vehicle on a highway unless the person holds a driver licence or learner permit (including a licence or permit issued in another state, territory or country if authorised by the regulations) or, if the person is disqualified from driving, is undergoing a driver assessment or is driving under instruction in accordance with the regulations;

clause 41 of the bill inserts new section 18AA into the Road Safety Act 1986 to prohibit driving in breach of a condition on a licence or permit. However, the new section provides that a person does not breach a condition if:

an exemption from the condition prescribed by the regulations applies; or

the person holds a licence or permit issued in another state, territory or country and the person is authorised by the regulations to drive a motor vehicle that has a gross vehicle mass of not more than 4.5 tonnes, contrary to the conditions of that licence or permit; or

a person holds a licence or permit that is subject to an alcohol interlock condition and the person rides a motor cycle while undertaking the on-road component of a motor cycle learner permit assessment;

clause 47 of the bill substitutes provisions in section 32 of the Road Safety Act 1986 to provide that it is an

offence to employ or engage a person to drive a motor vehicle if the driver does not hold a relevant licence or permit, unless the person presents or points to evidence that suggests a reasonable possibility that the accused made all enquiries that were reasonable in the circumstances and, having done so, believed on reasonable grounds that the driver held a licence or permit (and the contrary is not proved beyond reasonable doubt by the prosecution).

Clause 88 of the bill inserts new section 38ZZB into the Rail Management Act 1996 which relates to the new rail access regime and requires a person to comply with a requirement to provide information to the Minister for Public Transport or the Public Transport Development Authority. It is an offence not to comply without lawful excuse. (To avoid doubt, the section 25(2)(k) charter right not to be compelled to give evidence is not limited because section 38ZZB(2) provides that it is a lawful excuse that compliance may tend to incriminate the person or make the person liable to a penalty for any other offence.)

Clause 88 of the bill inserts new section 38ZZF of the Rail Management Act 1996, inserted by the bill, prohibits the Minister for Public Transport or the Public Transport Development Authority from disclosing information or the contents of documents to any person except where they form certain opinions and give certain notices.

In each case, to escape liability, the accused must present or point to evidence that suggests a reasonable possibility of the existence of facts that, if they existed, would excuse the offence. In my view, these offences do not transfer the legal burden of proof because, once the accused has adduced or pointed to some evidence, the burden is on the prosecution to prove the absence of the exception raised. Courts in other jurisdictions have generally taken the approach that an evidentiary onus on the accused to raise a defence does not limit the presumption of innocence.

The exceptions that are provided relate to matters peculiarly within the knowledge of the accused (such as whether they hold a licence or permit issued in another state, territory or country) and, if the onus were placed on the prosecution, would involve the proof of a negative and investigation into matters additional to the subject matter of the offence, which would be too onerous a burden for the prosecution to discharge. For these reasons, I consider it appropriate for an evidential onus to be placed on the accused in these circumstances.

Hon. Luke Donnellan, MP
Minister for Roads and Road Safety

Second reading

Mr DONNELLAN (Minister for Roads and Road Safety) — I move:

That this bill be now read a second time.

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

Drink-driving remains a key cause of road trauma. Victoria has had great success over several decades in combating the trauma caused by drink-driving. We continue to lead the

country in our strong stance against drink-driving. Sadly, despite our achievements in this area, last year we saw a rise in drink-driving deaths. This reversal is troubling and it must be halted.

The Andrews Labor government is continuing to work hard to address this important issue and the launch of *Towards Zero* in May 2016 reflects our determination to eliminate road trauma. It is simply not good enough in 2017 to accept any number of deaths or serious injuries on Victoria's roads. *Towards Zero* sets an ambitious target to achieve less than 200 fatalities and a 15 per cent reduction in serious injuries on Victorian roads by 2020.

This bill introduces a range of new measures to help achieve this. All drink-driving offenders will now have their driver licence cancelled and be disqualified from driving. This includes fully licensed, first-time offenders detected with a blood or breath alcohol concentration of 0.05 to 0.07, and commercial drivers detected below 0.05. We want to send a strong message to people that 'close enough is not good enough'.

These offenders will also be required to drive with alcohol interlocks and provide evidence that the alcohol interlock device has been fitted in their vehicle upon re-licensing. The requirement for drink-drivers to use an alcohol interlock was introduced in Victoria in 2002 and has proven highly effective in preventing further drink-driving.

There is clear evidence that taking driver licences off Victorian drink-drivers has a major impact on their behaviour, and that combining a licence ban with an alcohol interlock is the best way to tackle drink-driving. If we are serious about eliminating drink-driving, we can no longer allow any drink-drivers to get away with just gaining demerit points and continuing to drive almost as if nothing has happened. *Towards Zero 2016–2020: Victoria's Road Safety Strategy and Action Plan* commits to alcohol interlock requirements for all drink-drivers and this bill delivers on that commitment.

The bill also makes important amendments which increase deterrence for unlicensed driving, drug driving and excessive speeding offences and makes a number of operational and efficiency improvements to road safety legislation, including the vehicle impoundment and demerit point schemes.

Towards Zero 2016–2020: Victoria's Road Safety Strategy and Action Plan also commits to a new behaviour change program to be rolled out for drink-drivers and drug-drivers. The new program will replace the existing drink-driver education course and individual assessment, which only applied to some drink-drivers. Repeat offenders and those with higher alcohol concentration readings will complete a longer, more in-depth program to deal with their more serious alcohol issues.

While there has been success over several decades in reducing drink-driving-related road trauma, this has not yet been the case for drug driving. Drug driving now contributes to more fatal crashes than drink-driving. In 2016, there were 26 fatally injured drivers with alcohol in their bloodstream but 41 fatally injured drivers who had illicit drugs in their bloodstream. Worryingly, there were 17 fatally injured drivers and riders who had both alcohol and drugs in their bloodstream.

This government is taking action to respond to the increasing problem of drug-driving by increasing licence suspension, cancellation and disqualification periods for drug driving offences. This will promote a greater level of deterrence and make the penalties more consistent with drink-driving.

Speed plays an important role in road deaths and injuries. In Victoria, speeding contributes to one-third of all road casualties, or about 100 people killed each year, and another 2000 seriously injured. The bill will improve deterrence and make Victoria's roads safer by increasing the suspension period for excessive speeding offences so that sanctions are aligned with sanctions applied to offences carrying a similar crash risk.

The suspension period will increase from one month to three months for exceeding the speed limit by 25 to 34 kilometres per hour or driving at a speed between 20 and 24 kilometres per hour over the limit in a 110 kilometres per hour zone.

At the same time, we are simplifying demerit point sanctions by removing the demerit points from these excessive speed offences. Excessive speeding is more effectively managed by licence bans, and removing the demerit points will also mean that some people will avoid being suspended a second time for having excessive demerit points.

Despite ongoing improvements in enforcement practices and technology, unlicensed driving continues to present significant problems for road safety. Worldwide, unlicensed drivers are over-represented in road trauma and unlicensed driving is also associated with higher rates of offending and crashes. In Victoria, unlicensed driving is a contributing factor in approximately 8 per cent of deaths on Victorian roads. This equates to 20 to 25 unnecessary deaths per year.

This bill makes amendments to unlicensed driving penalties to provide more effective deterrence, to more appropriately reflect the level of road safety risk, and to align with best practice sentencing policy in Victoria.

This bill will also reduce risks associated with drivers using fraudulent foreign licence documents by providing Victoria Police and VicRoads with powers to check the validity of licence documents from other jurisdictions, and to retain and destroy those documents if they are found to be fraudulent.

Reforms will also simplify and strengthen the vehicle impoundment scheme. Vehicle impoundment is an effective deterrent to dangerous and hoon-related behaviour, particularly among younger offenders.

Offenders caught driving unlicensed for the first time can lose their vehicle. In the same way, drink-driving offenders with a recorded blood or breath alcohol concentration between 0.05 and 0.10 can lose their vehicle if they have committed a prior drink-driving offence or impoundable offence in the previous six years. These changes better target patterns of high-risk behaviour.

Victoria Police will also have broader roadside vehicle inspection powers. This encourages regular vehicle maintenance and is consistent with the 'safe vehicle' component of the *Towards Zero* road safety strategy. These measures will assist in providing Victoria Police with the tools to improve vehicle condition and road safety outcomes.

It is important that sanctions are administered efficiently and effectively to ensure the best road safety outcomes. The bill

will improve efficiency of enforcement activities by making notices deemed to be served, including those returned undelivered.

To continue to improve road safety in Victoria's alpine areas, the bill also introduces consistent wheel chain requirements for light vehicles across hazardous areas, which extend outside the alpine resorts and national parks. This provides greater certainty of requirements for all motorists driving in snow and icy conditions in those areas.

To ease the financial burden from vehicle registration, the government has announced that from 1 January 2018, Victorian motorists will be able to register their light motor vehicles for periods of three or six months in addition to the current option of annual registration. This bill amends the Transport Accident Act 1986 to ensure that the current 28-day 'grace period' for the payment of the Transport Accident Charge associated with vehicle registration payments is extended to three month periods of registration of light motor vehicles.

The bill will also improve consistency between the road safety and rail safety drug and alcohol control schemes by enabling rail transport safety officers, police officers and other authorised persons to conduct drug screening tests for rail safety workers under the Rail Safety (Local Operations) Act 2006. This will reduce the burden of these drug testing procedures by no longer requiring a medical practitioner or health professional to conduct tests. Blood sampling provisions for rail safety workers and marine vessel operators will also be updated by the bill to align with amendments recently made to equivalent provisions in the Road Safety Act 1986.

The bill will also include a public transport measure to reform the Victorian rail access regime in the Rail Management Act 1996 when the current rail access contracts expire. This regime will reduce red tape, enable administrative cost savings and facilitate improved transparency of access to rail infrastructure for rail freight services.

The current regime was designed at a time when Victoria's regional rail freight network was managed by a private rail freight operator. This regime is no longer appropriate given that the rail freight network has been bought back by government. The Minister for Public Transport will provide guidance to Public Transport Victoria 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.

Overall, this bill increases 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 in the bill deserve the support of all Victorians.

I commend the bill to the house.

Debate adjourned on motion of Mr HODGETT (Croydon).

Debate adjourned until Thursday, 16 November.

VICTORIAN DATA SHARING BILL 2017*Second reading***Debate resumed from 1 November; motion of Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation).**

Ms HUTCHINS (Minister for Aboriginal Affairs) (10:13) — I rise to speak on the Victorian Data Sharing Bill 2017, and it is my pleasure to speak on this bill as a former statistician who was obsessed with data in my early years. I do not think that that obsession has gone away, quite frankly; I love reading anything that I can get my hands on that gives us an insight into the changes to our society.

Of course in this day and age the ability to collect and analyse data is all around us. We cannot reverse the tide of data digitalisation, and nor do we want to in most circumstances. On the one hand digital data presents us with unprecedented opportunities to analyse our society, our economy and our environment to really get to the heart of how people live their lives, understand their worries and their aspirations and then determine how government can most effectively help Victorians through this analysis.

On the other hand, we constantly need to adapt our laws to suit the technological advancements that we have in our times, and in this case that means managing the relevant privacy concerns and ensuring that Victorians' data does not fall into the wrong hands or get used inappropriately, and that is what this bill is about. It is about positioning the state government to fully utilise public data for all of those positive purposes while safeguarding Victorians against privacy violations and potential misuse of this sort of data. To achieve this the bill establishes a statutory position of Victorian chief data officer, known as a CDO — I am not sure that we actually need more acronyms, but, yes, a CDO — and grants the CDO the relevant functions and powers.

The Victorian chief data officer will be based with the new Victorian Centre for Data Insights, so in turn this bill will promote the sharing of data and the use of public sector data as a public resource that supports government policymaking, service planning and design. It will remove the barriers impeding the sharing of identifiable data with the chief data officer or data analysis bodies so as to facilitate the sharing of data across the public sector. With the growth that Victoria is facing, this could not come at a more important time.

The bill also provides protections in connection with data sharing by specifying the purposes of data sharing

and the circumstances in which sharing of identifiable data is permitted. It ensures that the data that is handled under this bill is protected from unauthorised access, use or disclosure.

The bill gives legal authority for departments and agencies to share identifiable data for integration and analytic purposes with the Centre for Data Insights across government. Currently Victorian agencies are unclear about their abilities to share data with each other and certainly in what circumstances. That has led to a siloing of data across our government, so strong additional privacy safeguards have been included, and where data must be de-identified before analytical work can take place, this bill provides for that protection.

We know that collecting and analysing public data can do so much to improve public policymaking and service delivery and design right across government. Indeed this Andrews Labor government and Victorian government departments always seek out the very best data and analytics on which to base policy directions and decisions. The Victorian people expect us to do it better.

By creating a clear legal framework to enable government data to be shared for this purpose, we will continue to improve on the quality of public policy that comes from this place so we can better respond to the changing social and economic factors which affect people's lives across the state. From roads and traffic to education, health, business, employment, infrastructure and the environment, there are enormous opportunities for improving the flow of data and information. Therefore policy outcomes can be reached in a quicker time frame with more accuracy underpinning them in these important areas.

You only have to look at the former federal Labor government's website and the creation of the My School initiative to see how data sharing improves transparency and how transparency in turn improves outcomes. Parents, educators and the community can now get a clearer view about literacy and numeracy scores and how they change over time across various age groups within the school community, make fairer comparisons when choosing schools that suit a particular child, and support and drive improvements in schools across the country.

Likewise, in my previous role as Minister for Local Government, we were able to launch the Know Your Council website, which improves transparency and accountability for the local government sector. In the case of this information sharing, we were able to provide in the public domain information around planning permits and their timing and the financial performance of

councils, roads and governance. Now ratepayers have available online more information about their local councils than they have ever had before. Just after its first year of operation, we are actually seeing improvements in a 12-month period that is absolutely mappable. We are seeing improvements in waste services, including the collection and reduction of numbers of missed bins, which can be easily accessed by any computer or iPad by any resident out there. We are also seeing success with more waste being diverted from landfill into recycling. That is a key measurement that is quite often looked at by ratepayers through this data.

And of course now, as the Minister for the Prevention of Family Violence, I am looking forward to implementing policies which can better protect victims of family violence by better sharing of information across government. But it is in this area of government, too, where privacy is absolutely paramount. This bill includes appropriate measures to ensure that women and victims of violence can place their utmost trust in the government services they engage with and can do so without fear that the sharing of their information may increase any dangers that they may face. Victorians want us to use every tool at our disposal to deal with the big issues, improve people's lives and keep people safe. There is absolutely a fundamental right to expect that we will always get every piece of information protected and used to make the best decisions on a daily basis.

Both New South Wales and South Australia have already got similar systems in place, and I know in drafting this bill that the Special Minister of State drew on the lessons and experiences of those other states to make sure that we have some of the best practice in Australia in this measure. Understandably there might be some concerns in the community around privacy and the use of public data, but I am confident through the extensive public consultation that was undertaken in drafting this bill that we do have the balance right. The Andrews government is absolutely committed to increasing the use of data to deliver better services across Victoria. By enabling data to be shared and used across government, we can generate really valuable insights into what works, what does not and why, and make the best informed policy decisions that can lead us to tailor services that Victorians need and expect. For that reason I commend the bill to the house.

Mr CRISP (Mildura) (10:21) — I rise to speak on the Victoria Data Sharing Bill 2017 and indicate that The Nationals in coalition are not opposing this bill. The purpose of the bill is to improve arrangements for the sharing and use of public sector data across the public sector, and to codify protections for the sharing

of identifiable data. The bill establishes the office of chief data officer to achieve this.

There are a number of main provisions within the bill. Part 2 of the bill establishes the office of chief data officer, a person employed by the secretary of the department responsible for administering the bill who is to be responsible for conducting data integration and data analytics work to inform government policymaking, service planning and design, and other related functions. Part 3 of the bill sets out a bureaucratic mechanism by which the chief data officer may make a formal request to bureaucrats at other agencies for the release of certain datasets for sharing within the public sector. Part 4 of the bill sets out circumstances and bureaucratic processes under which identifiable data may be disclosed across public sector agencies, and part 5 of the bill sets out offences which may apply if a person accesses, uses, or discloses data or information obtained under this legislation other than in accordance with the legislation.

There are a number of concerns with this bill. Firstly, when we think about this issue, we do need to collect data and we do need to use the data. We need to share that data for it to have value, and public data does have a value. We should not be collecting this data unless we actually plan to use it. Many people who are involved in a number of government areas know how good the government is at collecting data and they often ask me: 'Well, what do you do with all this form filling in that we do?', particularly in health.

So I think there are a number of issues that need to be raised. I think back to 2009 when there was a report by the then Economic Development and Infrastructure Committee about improving access to Victorian public sector information and data. That goes back a long time, but I was a member of that committee and recall a number of things that were said in 2009 that are worth considering. At that time it was stated:

In this modern age much information and data are produced, stored and often not made available, which leads to either costly replications or information being lost to the community. We are at an age when we cannot afford to be reinventing the wheel.

The committee's inquiry was a response to the increasing international interest in the thinking in the private and public sectors about how information and data held by governments and other organisations can best be used for the public good.

The executive summary of the report said:

... in which it must balance competing demands for and upon the information and data it holds, while ensuring that it acts appropriately as a custodian of that information and data. The release of PSI —

public sector information —

by the Victorian government for reuse may lead to increased commercial activity, provide primary data to researchers in a wide range of disciplines ...

One of the issues with this particular bill is that it is focused on purely internal data sharing within government and does not facilitate the dissemination of data outside the public sector. In fact it is almost only going to be used by, I think, the Department of Premier and Cabinet, so it is a very narrow use of the data. We also need to consider how it will be used in the formation of that policy within the Department of Premier and Cabinet, but also whether that will be at the loss of sharing information with other parts of government that could well benefit from sharing that data.

Siloing of data was a concern back in 2009. Various departments do like to hold their data close to their chests and there are some concerns about how we are going to implement this legislation. Hopefully this bill will remove those data silos and the silo gatekeepers and we are not just creating a ring fence around those silos with the chief data officer as a new gatekeeper and restricting access. I hope there will be benefits to government because it is needed. We do need to balance the securing of data with using data to advantage.

I notice the library recently published a report on the need for data protection. The report says that the *Victorian Protective Data Security Framework* was released in June 2016 and took effect from 1 July 2016. It goes on to say that the objectives of the *Victorian Protective Data Security Framework* are to assist in identifying information, determining ownership, assessing the value of information, identifying and managing protective data security risks, applying security measures, creating a positive security culture and maturing protective data security capabilities.

So again what we need is a balance that we have got to maintain between knowing the value of the data and protecting that data. The library publication goes on to talk about how each government organisation is required to develop, implement and maintain a security risk profile assessment and a data protection security plan. The organisations must submit these plans to the Office of the Victorian Information Commissioner within two years of the issue of the Victorian protective data security safeguards.

This bill has been introduced at the same time as we have this data process being put in place. I think there is a significant risk that the whole thing will get bound up here and will not achieve what we are trying to achieve

with this legislation. This gives the gatekeepers at the silo a very good reason to put another lock on the gate of the silo while we are trying to free up that data. This is an issue that has been around since 2009.

Since data can have commercial value, I think it is better to provide access to data that has had personal information removed — that is, has been sanitised — rather than tempting hackers to go in there and take it all. We have got to have some appreciation that there is a need for this data, but we need to be aware of what people will go looking for.

I cannot help but comment at this point that it was only last sitting week that we were debating the Voluntary Assisted Dying Bill 2017, and one of the suggested amendments to that bill was to have data collected and shared. That amendment was steadfastly rejected by the government, and I cannot help but point out the irony that within a week we are going to have data sharing to improve government policymaking. In my view a concession on the amendment suggested last week would have been a polite concession by the government, given that this bill was on the notice paper.

To conclude, data only has value if you can use it to foster better outcomes both in government and also in the commercial sector. If this bill is a step in that direction, I am happy not to oppose it, but I do have concerns about how it is going to be implemented in a very difficult environment.

Mr PEARSON (Essendon) (10:30) — I am delighted to make a contribution on the Victorian Data Sharing Bill 2017. Although this is probably not a particularly contentious bill, I think the ramifications of this bill will be far-reaching and in years and decades to come people will look back to this bill as a really important moment in the history of the state of Victoria.

It has been said that data is going to be the oil of the 21st century and that data offers enormous potential for our state, our nation and our broader economy. I picked up a copy of the Productivity Commission's report from March of this year *Data Availability and Use*. It is an outstanding report. It was produced under the stewardship of Peter Harris, who is an outstanding public servant and chair of the Productivity Commission.

There are a number of really good insights in this report. It states that in 2002 globally 5 terabytes of data was created for the entire year. Now that same volume of data is produced every two days. Some of it, of course, is going to be in relation to imagery and photography, but I

think that gives you some sense of the magnitude of and huge increase in data that is being created.

The state is very good at generating data, and we collect a lot of data, but this bill is enabling legislation that has got the potential to create digital assets in the 21st century in the same way the state created physical assets in the 20th century. By making sure, through the chief data officer, we are creating data that can be shared and interpreted, there is going to be an enormous amount of potential as a result of this enabling legislation.

It is important, though, that when you think of big data — I define big data as being high volume, high velocity and having a variety of characteristics, and that is on page 60 of this report — it has got to be data that can be shared and interpreted. There is not much point, for example, putting hospital admission data in a PDF format, putting it up online and saying, 'We're sharing data'. It has got to be usable so it can be imported into programs like Qlik, which has got the capacity to interpret the data. I commend Andrew Greaves, the Auditor-General, because I know that the Victorian Auditor-General's Office — and the member for Eltham has seen this firsthand herself as a member of the Public Accounts and Estimates Committee — is starting to look at interpreting this data in order for us to be able to think about how we can more efficiently deliver services in the state.

I note the Productivity Commission's report, *Shifting the Dial: 5 Year Productivity Review*, which talked about the five-year update. The commission has identified, and this was reported on 23 October this year, potentially \$200 billion worth of savings over the next two decades. If you think about the economic reforms of the 1980s, and I will be generous and throw in the subsequent introduction of the GST in the late 1990s, that created an enormous amount of wealth, and it changed the economy. But if you are talking about \$200 billion of efficiencies over the course of 20 years, that is going to be enormous.

I note that many of us have got smartphones now. Most of us will have Google Maps on our smartphones. Google Maps was created as an application because the US military made freely available their photography. They just handed it over to Google, and they said, 'There you go. We've got continental USA maps, and we've got the world mapped as a consequence of the industrial military complex. We'll free up those assets. We'll make them freely available', and Google was able to use that data to create Google Maps.

Can members think for a moment if we could as a state ultimately make data freely available, and that the state

would hold an equity position in those companies, own those assets or would license those assets? What sort of revenue could we be talking about as a state? How much revenue could we generate as a state just by basically commercialising our base assets? I note that the Productivity Commission report on page 7 states:

Using data to alert practitioners to duplicate radiology tests has been estimated to reduce the number of tests by up to 25 per cent and test waiting time by up to 50 per cent ...

Again, if members look at the Department of Health and Human Services as our single largest expense item in the budget as a standalone department, if we could make these sorts of efficiencies, how much better could we be and how much more efficient and effective could we be in delivering services to the state, just by using data more effectively than would otherwise be the case?

The reality is that Australians are early adopters when it comes to technology. Look at the uptake of Fitbits. Thirteen per cent of the population has got a fitness band device. That is the second highest take-up rate in the world. So we have got a natural propensity to try to use data to that effect. I think that what we can try and do with this is play to our natural strengths — we have got that ability to generate data — and try and capture that data and utilise it.

The report also goes on to talk about data analysis, and I found this really interesting. This comes back to the fact that obviously a lot of the data that is being created are photos that are captured in the cloud and there is probably very little value that can be created by having photos of Miffy the cat in the cloud. The report says that:

... in 2013 around 22 per cent of the digital data generated globally was potentially useful as an input in subsequent analysis (to generate information and build knowledge and thus inform decision-making and action) but less than 5 per cent of that data was actually analysed.

Less than 5 per cent. So there is this enormous amount of data that we are creating every single day in the state of Victoria. We are creating the data, we are generating this data, but we are not properly capturing, analysing and utilising it.

If we look, for example, at issues around youth justice and youth crime, which has been a topic that has been raised at length in this place over the course of the 58th Parliament, I would hazard a guess that if you went back in time 10 years ago and analysed the data inputs in terms of the perinatal, postnatal, early childhood and school data of those children, you would probably have a 95 per cent confidence rating that you would predict that those children will end up in the

youth justice system. I think that would be a reasonable supposition, but the problem is that because the information is siloed, because it is not necessarily shared and because it is not necessarily utilised, we do not necessarily see it.

Having this sort of data available and making it intelligible means we can do some predictive analysis, so that we can then do, for example, early intervention. If we could identify a four-year-old or a five-year-old child that would have a 95 per cent chance of ending up in the juvenile justice system or becoming a frequent flyer in the correctional facilities, and then if we could turn around and say, 'Let's have some targeted intervention of that child at that time and age', how much more efficient would we be as a state? How much richer would that person's life be? How much greater a contribution would they make to the state and to themselves were that to be the case?

I note from page 222 of the report that iSelect gave evidence about the cost of APIs, which are application programming interfaces. This is how you might try to develop an app that is based on big data. The report says, in terms of iSelect, that APIs typically range from \$10 000 to \$50 000 but that it is around the \$20 000 to \$25 000 range for most APIs. Again, you are not looking at a lot of money, but the potential is quite rich.

Sometimes we talk about innovation. The reality is that government does not tend to do innovation well, but I would argue that big business does not do innovation particularly well either. The quote on page 357 of an OECD report in 2015 refers to the fact that in order to lower the cost of entry, you should try to make sure that data is freely available or available at a low price, because you see a higher take-up rate of small and medium-sized enterprises (SME) utilising the data. SMEs are probably far more likely to be able to use this data effectively than a very large company like, for example, Telstra. Specifically, it states that:

... analysis of 14 000 firms in architectural and engineering activities and related technical consultancy services in 15 countries in the 2000–07 period shows that in countries where public sector agencies provide fundamental geographical information ... free or at maximum marginal cost, firms grew about 15 per cent more per annum compared with countries where public sector geographic data have cost-recovery pricing.

Again, where we can try and make sure that data is freely available or that it is available at a relatively low price, then we can try and see that greater level of uptake in these organisations and that level of growth.

I get very excited. I may not share the same level of passion that the Minister for Industrial Relations has

about statistics, but I think the capacity for data is enormous. This is a fantastic bill. I commend it to the house.

Mr ANGUS (Forest Hill) (10:40) — I rise to also make some comments in relation to the Victorian Data Sharing Bill 2017. Clause 1 outlines the purposes of the bill, and they are, firstly, to establish the office of chief data officer; secondly, to promote the sharing and use of public sector data as a public resource that supports government policymaking, service planning and design; thirdly, to remove barriers that impede the sharing of identifiable data with the chief data officer or with data analytics bodies, and to facilitate the sharing of data across the public sector; fourthly, to provide protections in connection with data sharing under this act by, one, specifying the purposes of data sharing, and the circumstances in which sharing of identifiable data is permitted, and two, ensuring that data that is handled under this act is protected from unauthorised access, use or disclosure, and finally, to make consequential and other amendments to other acts.

I think it is important for us, when we are looking at a bill like this in relation to IT and ICT data and so on, to look back, because history can often be a good guide for us in relation to some issues and challenges that can surround matters of this nature. One of the documents I went back to was the Ombudsman's report from November 2011, *Own Motion Investigation into ICT-enabled Projects*. That is an extremely informative document. It goes into a range of projects, in fact 10 projects in total, and outlines the details of those projects and then the deficiencies that were found in relation to those. I think it is worth putting it on the record today just to remind members, particularly as we look at a data-related bill, what some of the issues can be surrounding these matters.

The Ombudsman said in his report at the time that he decided to investigate 10 high-risk, high-dollar and complex projects across a range of departments and agencies in the Victorian public sector, and they were a sample. There was, firstly, LINK from Victoria Police; second was HealthSMART; third was Myki; fourth was the registration and licensing (RandL) system from VicRoads; fifth was the client relationship information system from the then Department of Human Services (DHS); sixth was the infamous ultranet from the then Department of Education and Early Childhood Development; seventh was the integrated courts management system from the then Department of Justice; eighth was the property and laboratory management, again from Victoria Police; ninth was HR Assist from Victoria Police; and 10th was the housing integration information program from DHS.

Having looked at those, the Ombudsman made a whole range of comments in relation to them. In the executive summary on page 4 at paragraph 13, the Ombudsman says:

Each of the 10 projects I examined failed to meet expectations; most failed to meet delivery time frames; and all ran over budget. The original budgets for these projects totalled \$1.3 billion. The latest estimated cost is \$2.74 billion — an additional \$1.44 billion cost to government.

I note that that was at that time. We know from some of the work that was done subsequently and some of the investigations that were undertaken subsequently to the tabling of this report in November 2011 that those costs continued to blow out. The Ombudsman continues in paragraph 14:

On average, projects will have more than doubled in cost by the time they are finished. Two of the projects will have more than tripled their original budgets ... Together, the two largest projects will require almost \$600 million more than originally planned ...

One of those two was the infamous Myki system and, as we know, that just continued to blow out. Who knows what the final figure was on the original phase of that? Certainly the subsequent costs have continued to cost Victorian taxpayers virtually endlessly for years and years since that time.

The report goes on. It talks about many of the projects, and I quote:

There has also been abject waste. Victoria Police spent \$59 million on Link over four years, only for it to be cancelled. VicRoads spent \$52 million on RandL which has not yet made it past the design phase. There is also a cost attached to delay: in many of the projects I examined, delay was a significant cause of cost overruns.

The Ombudsman goes on to identify a number of common mistakes, and I quote again:

My investigation identified a number of common mistakes and problems with how ICT-enabled projects are managed. Generally, these issues are not new. They have been discussed in previous reports by the Auditor-General and me ...

The report goes into five particular areas: there is the area of leadership, accountability and governance; the area of planning; funding is the third area; probity and procurement the fourth; and project management the fifth.

I say all that because any time we hear the Labor government talking about data, IT and related matters, it certainly gets the red lights flashing in my mind in relation to how those matters are going to be properly managed, how they are going to be handled and

whether there is going to be a bottomless pit of costs that are going to come associated with that. In theory this should be a straightforward bill, given the associated matters around it but, as I said, in my limited time in this place over the last seven years I have seen time and time again that when you put the Labor government and ICT projects in the same sentence it always ends up a disaster.

This particular document, I think, is one of the most valuable documents tabled in recent years because it captures that. It captures the inability of the Labor government to manage any sort of project but particularly IT projects. That is what makes me nervous in relation to the theory that is contained in this bill. We can see that there may be some elements of worth in there, but how that is going to be achieved and the protections, firstly, for the Victorian taxpayer in terms of financial protection and, secondly, for the Victorian taxpayer in terms of data protection, raise significant concerns for me because there is ample evidence — overwhelming evidence indeed — that there have been such tremendous failures in the past in relation to both data protection and certainly cost and management of major ICT projects.

So it is with mixed feelings that I make my commentary in relation to this particular bill because we need to be very cautious. Hopefully we will not see some of the dreadful financial mismanagement that is well evidenced in this place in relation to this particular bill and the matters that will be the consequence of it.

In terms of the bill itself, we can see that part 2 establishes the office of the chief data officer, who is going to be responsible for conducting data integration and data analytics work to inform government policymaking, service planning and design and other related functions, and that is in sections 6 and 7. Part 3 of the bill sets out a bureaucratic mechanism by which the chief data officer may make a formal request to bureaucrats and other agencies for the release of certain datasets for sharing within the public sector. That is in section 8 and following. Again that is an area of some concern to me in relation to how that will be managed and how those datasets will be adequately protected.

Part 4 of the bill sets out the circumstances and bureaucratic processes under which identifiable data may be disclosed across public sector agencies. Part 5 of the bill sets out offences which may apply if a person accesses, uses or discloses data or information obtained under this legislation other than in accordance with the legislation.

Just in conclusion, I think we can see that there is some merit in this. However, as I said, I think there needs to be some scepticism as well in relation to how this will all come to pass and whether it is going to result in failures similar to failures that have happened in the past in relation to matters that the Labor government has put its hand to regarding ICT projects, data management and matters of a similar description.

Ms WILLIAMS (Dandenong) (10:49) — It is my pleasure to rise in support of the Victorian Data Sharing Bill 2017. In the minister's second-reading speech he said that the Victorian public sector needs to find new ways to engage, use technology and build capability. Our commitment to do this is enshrined in our public sector reform statement entitled *Public Sector Reform: Delivering Exceptional Outcomes for Victorians*. As will be clear to most of us, the way we manage data is a key part of meeting this commitment and is vital to delivering better services and outcomes for all Victorians. Across government, as other speakers have noted, we collect an enormous amount of data. We collect it through our health system, our education system, our interactions with business, our infrastructure projects, our employment programs and of course the vast array of community services that we administer. The way we use this data is extremely important.

I have, through my portfolio work, often encountered complaints and frustration about the way government utilises data, and in particular frustration about the way information is kept in silos, which can have negative flow-on impacts on what we hope is well-informed policy development. These complaints have often come from people with very complex needs and people who have regular interactions with various government departments and agencies and yet feel that government understanding of their needs is still lacking. These are people who, for example, may be dealing regularly with various divisions within the Department of Health and Human Services — with, say, disability and mental health — while also trying to navigate carer services. At the same time they may need to be accessing housing services and family services, as well as transport services, or the justice department or the Transport Accident Commission or WorkCover, or any number of variations and permutations thereof in addition.

By better sharing data we can better harness its true value, which means we can make more informed policy decisions and design services that are more responsive to the needs of our community, particularly the complex cohorts within our community. This, in short, is what the bill before us today is all about. That is, this bill will enable departments and agencies to work together to tackle key policy problems by delivering

more integrated and effective services and investment. This is particularly important when you consider the very complex and integrated policy agendas the government is pursuing, with the most obvious example being the whole-of-government family violence response, which cuts across many portfolios and many agencies.

Community input and expectation has shaped the development of this bill, and rightly so. Earlier this year research was conducted to better understand Victorians' attitudes and awareness of information and data use. About 1700 Victorians participated in this process through online and phone surveys and through focus groups and individual interviews. The findings of this research are perhaps unsurprising. It revealed that there is an expectation that government should be doing more with the information it collects, and I must say this accurately reflects the conversations I have had over the past few years when I have met with individuals who have had cause to be dealing with various parts of the government with great frequency.

The next step in this consultation process was to seek community feedback on how and why government should use the data it collects. One hundred and thirty-five responses were received from individuals and organisations, which included suggestions on projects that the Victorian Centre for Data Insights should focus on and ways in which the centre could build trust with the community regarding data sharing and analytics. This feedback has led to the incorporation of key safeguards in this bill in the areas of governance and oversight on how data is being used and of course of strong privacy protections.

In summary, the bill establishes a statutory position of chief data officer and outlines its powers and functions. The bill provides a clear legal framework that allows for data, including personal and health information, to be shared within government for the purpose of informing policymaking, service planning and design. It provides protections in connection with data sharing, including by specifying the purposes and circumstances in which data can be shared and protecting against unauthorised access, use or disclosure. It will also displace secrecy provisions in other legislation for when data is shared with the chief data officer.

Before getting into how the bill operates, it is important to give some context for it. The complexity of existing legislation makes it difficult to know what data can be shared, with whom it can be shared and for what purpose it can be shared. This has led to a culture of risk aversion, which has led to less than desirable outcomes. That is the context that sits behind this bill.

The bill then creates an enabling framework for data sharing, rather than a mandatory disclosure regime. It provides departments and agencies with a clear legal authority to share. Under current legislation, information sharing agreements can take months and sometimes even years to negotiate before data can be used or shared, and this is just not an effective or efficient way of operating. As I outlined before, it can have some negative impacts on the formation of policy direction.

The bill before us addresses this by providing a clear legal pathway for departments and agencies to share and use data for policy, service and design. It establishes a request and response regime, where the chief data officer has the power to request data and where departments and agencies have an obligation to respond, either by providing the data requested or by giving a written reason for refusal. It should be noted that independent and oversight bodies like IBAC and the Victorian Auditor-General's Office have no obligations to respond to a request from the chief data officer.

The bill also enables cross-government sharing of identifiable data by allowing departments and other agencies prescribed by regulation to receive such data for integration. Importantly it then requires reasonable steps to be taken to de-identify the data before any analytics work is conducted. The bill also facilitates data sharing by displacing secrecy provisions, as I outlined before, when sharing data with the chief data officer. However, where there is a good reason to limit sharing, even for government analytics purposes, the bill allows secrecy provisions to be expressly preserved by regulation, and I think that is important.

As I mentioned earlier, we are embarking upon these changes with an eye to privacy concerns, and with this in mind the bill incorporates broad protections against data security and privacy risks. It does this by providing that data must only be handled under the bill for the purpose of informing policymaking, service planning and design, not for any other purpose. It also provides that identifiable data can only be used for data integration, and that before using data for analytics, reasonable steps must be taken to ensure the data no longer relates to an identifiable individual. There are requirements for ministerial approval before disclosing any data that was subject to a secrecy provision. There are also offences for unauthorised access, use or disclosure of information and there are other measures designed to protect data security risks as well.

It is worth noting that both New South Wales and South Australia have already travelled down this path and have delivered data sharing legislation. We have drawn lessons from their experience, and in doing so we have

gone further than they have, especially in creating an express authorisation at law to handle identifiable data.

It may be difficult for some to appreciate how significant the provisions in this bill are. Data is not generally considered sexy, except of course by the Minister for the Prevention of Family Violence, who earlier outlined her passion for data analytics very clearly — and all power to her for that. But by sharing data, by bringing it together from across government departments and agencies, we can tell a bigger and more accurate story about what is happening in our community — about the challenges and about the risks and the opportunities as well.

When we analyse data from just one source we often miss this bigger picture, and therefore we miss the opportunities that come with a more comprehensive understanding. This is particularly important when we consider complex client cohorts who are supported by a range of government services, often over a long period of time. As outlined earlier, these are people that I am often dealing with through my work as parliamentary secretary. I think that these are cohorts of individuals who should be a priority in the delivery of government services.

As I have outlined, there has been significant consultation to inform this bill, not just the community consultation that I outlined in detail earlier but also significant consultation with relevant agencies and privacy regulators as well.

Ms Thomas — Fascinating.

Ms WILLIAMS — It is fascinating. Thank you to the member for Macedon for that interjection.

This bill makes every effort to strike an acceptable balance between realising meaningful outcomes from data sharing and protecting privacy and managing data security risks. I think that it has been successful in striking this balance and that it will lead to a much improved functioning of government and will improve outcomes for all Victorians, particularly across a range of services that we deliver. I would like to finish by again emphasising the importance of this for complex cohorts of Victorians who need our help the most. I commend the bill to the house.

Business interrupted under sessional orders.

**QUESTIONS WITHOUT NOTICE and
MINISTERS STATEMENTS**

Fire services

Mr GUY (Leader of the Opposition) (11:01) — My question is to the Minister for Emergency Services. Minister, earlier this week you released fire services response time statistics, alleging that Country Fire Authority (CFA) volunteers were inferior to the Metropolitan Fire Brigade (MFB) in meeting many response time targets, figures you again used to justify tearing apart the CFA. However, in this comparison the MFB figures used were only for emergency structure fires, with false alarms and MFB stations with under 10 calls excluded from the data; yet CFA station figures used all emergency call data for call-outs, including false alarms, smoke scare, extraction of people locked in cars and even cooking fume alerts. Minister, why did you deliberately issue dishonest figures in order to talk down the performance of our CFA volunteers?

Mr MERLINO (Minister for Emergency Services) (11:02) — I thank the Leader of the Opposition for his question. One thing is certain in this debate about fire services — those opposite do not want to talk about community safety. Those opposite have no interest in saving lives or saving property. All they are interested in is the politics of fire.

Mr Guy — On a point of order, Speaker, with respect, I know it is only 30 seconds in; however, the minister is really off track. It was a very straightforward question about data that the minister presented earlier this week and a straightforward question about the minister issuing those figures and the honesty in relation to those figures.

The SPEAKER — Order! I uphold the point of order. I ask the Deputy Premier to come back to answering the question. Before he does, I warn the member for Hawthorn to cease shouting across the table.

Mr MERLINO — In relation to the data, the minister does not release the data; the fire agencies release the data. MFB data, for example, includes emergency medical response time data. So there are slight differences — 7.7 versus 8 minutes.

It is those opposite that are being exposed. The so-called majority report of the Legislative Council, written by the Liberal Party, did not mention community safety once. I tell you what: for families in the community, if there is an emergency, if there is a fire in their home, they do not care if it is the CFA that responds, the MFB that responds, a career firefighter

that responds or a volunteer that responds. They just want a response on time. What this data shows —

Honourable members interjecting.

The SPEAKER — I warn the member for Hastings and the member for Warrandyte to cease shouting.

Mr Guy — On a point of order, Speaker, on relevance again, the question was very straightforward. It was about why the minister has released dishonest data in relation to the CFA. Why did he release dishonest figures, dodgy figures, in relation to the CFA? Could you please bring him back to answering that straightforward question?

The SPEAKER — Order! The minister was being responsive to the question.

Mr MERLINO — Absolutely, Speaker. What this data shows is that there are parts of Victoria where we need to improve service, because at the end of the day it is about saving lives and saving property, and that is something those opposite will never understand. There are parts of Victoria that have not kept pace with population growth. Victoria is very different now to 1955 — very different indeed. We need to provide the resources, the support and the independence to our fire services to protect our community. That is exactly what we are doing, and it is what those opposite are voting against.

Honourable members interjecting.

The SPEAKER — I warn the member of Eltham and the member for Gembrook to cease shouting at each other across the chamber.

Supplementary question

Mr GUY (Leader of the Opposition) (11:05) — Minister, in releasing the fire services response time statistics you released only one set of figures for the MFB, using response times based on the first truck on scene, yet you released two sets of figures for the CFA, using that and the response times by individual brigades in their own response zone as well. Why have you deliberately failed to release both sets of figures for the MFB? Is this simply to assist with your lies to trash the name of targeted CFA brigades across Victoria?

Honourable members interjecting.

The SPEAKER — Order! The member for Warrandyte has already been warned. The member for Polwarth is warned.

Mr MERLINO (Minister for Emergency Services) (11:06) — Those opposite did not care much when they cut the fire services budget by \$66 million.

In regard to how our two fire agencies collect data and respond and publicly release it, it is a decision of our fire agencies. The CFA wanted to release community and brigade-level data. The MFB wanted to release emergency medical response data. These are decisions that our fire agencies make. The bottom line is that there are parts of Victoria where we need to improve service to protect lives and property, and it is that that those opposite are against.

Ministers statements: education funding

Mr MERLINO (Minister for Education) (11:07) — I rise to update the house on the Andrews government's achievements across our TAFE sector. Since being elected we have cracked down on shonky providers through our skills blitz. We have restored funding, which led to the reopening of TAFEs in Lilydale and Greensborough, allowing them to reinstate courses, support their local communities and engage with local industry. There are now more than 1000 students at the Lilydale Lakeside campus, a campus which those opposite forced to close.

Just last month the iconic Glenormiston College opened for classes, after being closed by the previous Liberal government. South West TAFE will offer a certificate III in agriculture at Glenormiston this year, which will see dairy farmers in the south-west once again having access to the skilled local workforce that they need. This is in stark contrast to when Glenormiston closed back in 2013, when someone said that he 'felt for the people who had a great affinity with the college'. Who was that? That was the former Liberal Premier, Denis Napthine. We do not only feel for people; we do something about it.

We are rolling out Skills First, which places TAFEs at the centre of our vocational education and training (VET) system. Government-funded TAFE and dual-sector enrolments have increased by 10 per cent since Skills First started. TAFE and university VET market share has now increased to over 44 per cent this year, from around 35 per cent in 2014. The previous Liberal government slashed \$1 billion out of TAFE and sacked 2400 staff, and they will do it again.

Fire services

Mr BATTIN (Gembrook) (11:09) — My question is to the Minister for Emergency Services. Your dodgy fire response time statistics for the Metropolitan Fire

Brigade (MFB) only report on structure fires and have excluded stations with fewer than 10 structure fires during the 90-day reporting period, meaning the MFB response times do not include 15 of 47 stations. According to the MFB's own data many of these excluded outer suburban stations are likely to have lower response performance data than the inner-city stations. Minister, why have you again lied and trashed the reputation of our Country Fire Authority (CFA) volunteers for your own political gain and used selective MFB inner-city station data to make comparisons against country, rural and outer urban CFA brigades?

Honourable members interjecting.

The SPEAKER — Order! Honourable members are fully aware that the use of the word 'lie' is not parliamentary. I ask the member to repeat his question without using that particular word.

Mr BATTIN — My question is to the Minister for Emergency Services. Your dodgy fire response time statistics for the MFB only report on structure fires and have excluded stations with fewer than 10 structure fires during the 90-day period, meaning the MFB response times do not include 15 of 47 stations.

Mr Edbrooke interjected.

The SPEAKER — The member for Frankston is warned.

Mr BATTIN — According to the MFB's own data many of these excluded outer suburban stations are likely to have lower response performance data than the inner-city stations. Minister, why have you again misled and trashed the reputation of our CFA volunteers for your own political gain and used selective MFB inner-city station data to make comparisons against country, rural and outer urban CFA brigades?

Mr MERLINO (Minister for Emergency Services) (11:11) — I thank the member for Gembrook for his question, the bloke who lies about firefighters on Black Saturday. He is wrong again. The CFA also exclude fires of less than 10, because it is not statistically significant. So the CFA and the MFB are doing exactly the same thing. He lies about Black Saturday; he lies about this data.

Mr Battin — On a point of order, Speaker, on relevance, when you are discussing the facts within the CFA versus MFB data —

Honourable members interjecting.

The SPEAKER — Order! The member for Essendon will leave the chamber for the period of 1 hour.

Honourable member for Essendon withdrew from chamber.

Mr Battin — When one is reporting false alarms, smoke detection and everything else, and one is only reporting structure fires, it is again this minister misleading — we will not use the word lying — the Parliament in his answer to tarnish those volunteers who proudly protect us. It is about time we protect those that protect us.

The SPEAKER — Order! There is no point of order, but I do take the opportunity to warn the Deputy Premier against the use of the same word that I asked the member for Gembrook not to use.

Mr MERLINO — I take your advice, Speaker. I was just pointing out the mistake yet again of the member for Gembrook. As I said, he is caught out again, wrong again, with his questions today. The fact is the parliamentary committee recommended that the fire agencies release this response time data in a transparent and accountable way. We have released data in October. There will be a further release of data at the end of this month and a further release of data at the end of January.

The thing is, those opposite do not like what it says. It says that there are parts of Victoria that are not as protected as they should be. Our responsibility as a government is to support our CFA — our volunteers and our career firefighters — and support our MFB to ensure that people's lives are protected, that properties are protected, and that is exactly what we are doing.

Honourable members interjecting.

The SPEAKER — Order! The member for Warrandyte will leave the chamber for the period of 1 hour.

Honourable member for Warrandyte withdrew from chamber.

Supplementary question

Mr BATTIN (Gembrook) (11:14) — Your performance response data excluded MFB stations such as Greensborough, Mentone, Deer Park, Altona, Sunshine, Keilor East, Taylors Lakes, Thomastown, Westmeadows and Croydon due to low call-outs to emergency structure fires. If you would like an explanation of what they are, emergency structure fires

do not include false alarms. Minister, why did you release response time statistics —

The SPEAKER — Order! The member for Gembrook will pause. I will wait for the member for Warrandyte to leave the chamber.

Mr Staikos interjected.

The SPEAKER — The member for Bentleigh will leave the chamber for the period of 1 hour.

Honourable member for Bentleigh withdrew from chamber.

Mr BATTIN — Minister, why did you release response time statistics that exclude these stations yet used data for surrounding CFA stations that included false alarms? Is this yet another example of your deliberate use of dodgy figures to disrespect the CFA and its volunteers?

Honourable members interjecting.

The SPEAKER — Order! The member for South Barwon is warned.

Mr MERLINO (Minister for Emergency Services) (11:15) — You cannot believe a word that the member for Gembrook says. Whether it is firefighters on Black Saturday or response time data, you cannot believe a word that the member for Gembrook says. If he bothers to read the response time data —

Mr Hodgett — On a point of order, Speaker, the minister is debating the question. It was not about the member for Gembrook. I would ask you to bring him back to answering the question. We are still on the Victorian data sharing bill. Maybe the minister would like to make a contribution on that after question time.

Honourable members interjecting.

The SPEAKER — Order! The member has made his point of order. I do ask the Deputy Premier to come back to answering the question.

Mr MERLINO — If the member for Gembrook bothered to read the data from the fire agencies, it shows that the MFB for the period from April to 30 June 2017 met its targets, responding to 92.8 per cent of structure fires within the 7.7 minute target. For CFA brigades, the customer service delivery standard compliance rate is 87 per cent. That is the data provided by our fire agencies. It shows where —

Mr Battin — On a point of order, Speaker, the minister keeps referring to data provided by the

agencies. A media release by the Andrews Labor government says ‘Fire services response data published for the first time’ — that is actually from the minister, signed off by him and Peter Marshall. I seek leave to table the media release so the minister can read it.

Honourable members interjecting.

The SPEAKER — Order! The member for Gembrook knows that he can make the document available to the house by giving it to the clerks.

Honourable members interjecting.

The SPEAKER — Order! The member for Nepean will leave the chamber for the period of 1 hour.

Honourable member for Nepean withdrew from chamber.

Mr MERLINO — The individual results of CFA brigades range from 16 per cent to 100 per cent. Are those opposite happy with 16 per cent? That is an answer the community wants.

Ministers statements: regional rail services

Ms ALLAN (Minister for Public Transport) (11:18) — You can imagine that I am very pleased to advise the house of the significant investment the Andrews Labor government is making in regional public transport services right across the state. Like Labor governments always do, we invest in rail in regional Victoria. In just under three years I can advise the house that more than 600 services have been added to the V/Line timetable every single week. That takes to more than 2000 the number of services that regional Victorians can catch every week. That is a 40 per cent increase — a 40 per cent increase — in services in regional Victoria.

Of course there is the \$1.6 billion investment that we have secured to upgrade our regional network through the regional rail revival package, and then there is the money we have had to put in: \$600 million into V/Line for maintenance and for operations but of course to rebuild an organisation that suffered from significant cuts under the former government.

We have also done more. We have ordered 87 new V/Locity carriages to provide those extra services and to deliver for those extra passengers who are using the network. And we have the first-ever regional network development plan for the network as well.

It alarms me and it concerns me to advise the house of a briefing, the very first briefing I had as public transport

minister, about the operation of V/Line. In that very first briefing I had in December 2014 I was advised by the organisation of the \$120 million in funding cuts that that organisation had faced over the past three years. I was advised of the 100 jobs that organisation had planned to cut as a result of those funding cuts. This is what Liberal governments do to our regional rail network, and we know, given the chance, they will do it again.

Victorian State Emergency Service Lara unit

Mr BATTIN (Gembrook) (11:20) — My question is to the Minister for Emergency Services. Minister, on 5 June 2017 you, Steve Warrington and the member for Lara attended the Lara Country Fire Authority (CFA), where you all looked volunteers present in the eye and told them that you were not comfortable kicking the Victoria State Emergency Service (SES) out of the Lara CFA station; they would remain there. The SES have now been told that in the coming weeks they have to get out as the United Firefighters Union (UFU) have said, ‘We’re moving in’. Minister, with SES volunteers now being booted out in Lara, why did you again lie to volunteers? Why are you incapable of telling them the truth?

Honourable members interjecting.

The SPEAKER — The member for Gembrook has already been warned about the use —

The SPEAKER — The member for South Barwon will leave the chamber for the period of 1 hour. The member for Hastings will leave the chamber for the period of 1 hour.

Honourable members for South Barwon and Hastings withdrew from chamber.

The SPEAKER — The use of props in the chamber is not appropriate. The member for Gembrook will repeat the question without the use of the word that he has already been warned about. The member for Hastings has been warned to leave the chamber.

Mr BATTIN — Minister, with SES volunteers now being booted out of Lara, why did you again mislead volunteers? Why are you incapable of telling the truth?

Honourable members interjecting.

The SPEAKER — Order! If the member for Gembrook wishes to stay in the chamber to hear the minister’s answer, he should cease shouting across the chamber.

Mr MERLINO (Minister for Emergency Services) (11:22) — I thank the member for Gembrook for his question. One of the parts of his question referred to truth. The truth for the community of Lara is that 22 per cent of the time firefighters arrive at fires within the standard response time. I would think —

Honourable members interjecting.

The SPEAKER — Order! The member for Gembrook!

Mr Clark — On a point of order, Speaker, it was a very specific and straightforward question asked by the member for Gembrook. The minister may want to change the subject because he does not want to address the question, but question time is about responding to questions that are asked. I ask you to bring him back to answering the question that he was asked.

Honourable members interjecting.

The SPEAKER — The member for South-West Coast will leave the chamber for the period of 1 hour.

Honourable member for South-West Coast withdrew from chamber.

Ms Allan — On the point of order, Speaker, I ask that you rule the point of order out of order. The Deputy Premier was being entirely relevant to the question that was asked. The question was about the Lara CFA. The question was about services to the local community. The minister is being entirely relevant to the question that is being asked, and I ask that you allow him to continue.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the House! The member for Eltham has been warned.

Mr Walsh — On the point of order, Speaker, can I support the manager of opposition business in his point of order and ask you to bring the Deputy Premier back to actually answering the question that was asked. This is not about response times. It was very clearly about how he misled the people of Lara and particularly misled the SES brigade there, saying they could stay, and now they are being moved out for the UFU to move in.

The SPEAKER — I note the minister has two and a half minutes remaining on his answer. I do ask the minister to come back to answering the question.

Mr MERLINO — The important thing to do is to support SES volunteers in regard to the work they do

protecting communities and in road rescue, to support our CFA —

Honourable members interjecting.

Mr MERLINO — It is actually about saving lives and protecting property. Those opposite seem to think that 22 per cent is okay, that 22 per cent is good enough. It is not, and that is what the response time data shows.

What we will do on this side of the house is support our SES. Whether it is in Lara or anywhere else in Victoria, we provided more funding and more support than the SES over recent budget decisions. We are supporting the CFA — I recently announced around \$60 million of additional support. When the Leader of The Nationals talks about the UFU moving in, he is talking about career firefighters supporting our volunteers to increase that 22 per cent response time. At the end of the day if there is a house burning in Lara and a family is at risk, do you think that family is concerned whether it is a volunteer or a career firefighter? Do you think they are concerned whether it is the CFA?

Honourable members interjecting.

The SPEAKER — Order! The member for Gembrook will come to order.

Mr Guy — On a point of order, Speaker, on relevance, this question was about the SES — the SES being kicked out of their premises, which the minister said they would not be. He said on tape that they would not be, and now they are. The SES volunteers at Lara deserve an explanation, which this question has sought, to which this minister has never provided. Can he be brought back to answering the question to tell the SES volunteers why he told them one thing and did another?

Ms Allan — On the point of order, Speaker, the Deputy Premier could not have been more relevant to the question that was asked. It was about Lara, it was about CFA services and it was about SES services, and the Deputy Premier has addressed all of those issues in his response. He is quite right to point out that the approach that he is taking is about saving lives. With his secret tape recordings over here, the Leader of the Opposition is showing he is all about the politics, not about protecting the community.

The SPEAKER — Order! The Deputy Premier had been responsive to the answer and then proceeded to talk about firefighting services. I ask the Deputy Premier in the minute remaining to come back to addressing the question of the SES.

Mr MERLINO — The bottom line is only Labor will support our SES volunteers, our CFA volunteers and our career firefighters, because it is about saving lives and protecting property. All those opposite are interested in is the politics of fire. They do not care about saving lives, they do not care about response times —

Mr Clark — On a point of order, Speaker, the Deputy Premier is defying your ruling and proceeding to debate the issue and stray away from the question. I ask you to again instruct him to come back to answering the question that was asked.

The SPEAKER — The minister did stray. I ask him to come back to answering the question. The minister has concluded his answer.

Supplementary question

Mr BATTIN (Gembrook) (11:28) — Now that you have been caught out again lying to hardworking volunteers —

Honourable members interjecting.

The SPEAKER — Order! The use of the word ‘lie’ is inappropriate.

Mr Battin interjected.

The SPEAKER — Order! I am not asking for reflections on my performance. I am asking the member for Gembrook not to use the word ‘lie’. If I have missed anyone using that word, I would ask people in the house to bring it to my attention as a point of order.

Mr BATTIN — Now that you have been caught out misleading the hardworking volunteers, in this case both CFA and SES in Lara, will you give a guarantee that no other SES unit currently based at a CFA station to better protect local communities will be forced out by the union?

Honourable members interjecting.

The SPEAKER — Order! The Deputy Leader of the Opposition and the member for Frankston will come to order.

Mr MERLINO (Minister for Emergency Services) (11:29) — Fancy them asking a question about the SES! We have provided record support for our state emergency services, whether it is building new units or whether it is supporting their operational funding. I remind the member for Gembrook —

Ms Victoria interjected.

The SPEAKER — Order! The member for Bayswater!

Mr Guy — On a point of order, Speaker, given that a supplementary only has 1 minute to be answered, the minister was asked a very straightforward question: to guarantee every other SES unit currently based at a CFA station that they would not be forced out of their premises. It is a very simple question for this minister to answer and to give a guarantee to every other SES unit. I ask you to bring him back to answering that direct question.

The SPEAKER — Order! As honourable members know, I can ensure that a minister is being responsive to a question, but I cannot direct him how to answer the question.

Mr MERLINO — What I will guarantee to our fantastic SES is that we will protect them in terms of their facilities. We have got a memorandum of understanding with the Municipal Association of Victoria, with the state picking up all of the operational funding in exchange for certainty and longevity in terms of where their units are based. That is the support that we are providing the SES, and it has been well received by SES units across the state.

Ministers statements: immunisation

Ms HENNESSY (Minister for Health) (11:31) — I rise to provide the house with some really fantastic results that have been delivered in respect of increasing our rates of immunisation. I am really proud to advise the house that the immunisation rate for five-year-olds in Victoria hit a record high of 94.9 per cent in the September quarter this year, so we are getting very, very close to that Holy Grail rate of a 95 per cent target, which would offer herd immunity to those in the community who cannot for medical reasons themselves be immunised. Not only is that the second highest rate in Australia, it also represents a huge improvement on the rate that we inherited under the previous government. It was 92.6 per cent that the Liberals achieved in their last year in government.

This fantastic achievement has only been achieved by our government focusing on lifting immunisation rates through programs like no jab, no play and pharmacist-administered vaccinations and of course through reintroducing the parents’ whooping cough vaccination program, a program that was axed by the previous government. Since we reintroduced that program nearly 295 000 doses of that vaccine have

been distributed, and I am really pleased that instances of whooping cough have dropped from 4607 under the previous government to 1667 cases in the year to date. This is a program that saves lives; it has only been achieved by this government reintroducing it.

When was the whooping cough program axed by the previous government? It was when the whooping cough program was axed by the commission of audit under the previous government. There is a threat that these kinds of cuts could indeed be reintroduced if those opposite are re-elected. This stands in stark contrast with our government that will never cut health services.

Great forest national park

Ms SANDELL (Melbourne) (11:33) — My question is to the Premier. Victoria's native forests are home to critically endangered species such as the Leadbeater's possum and the greater glider, but currently the Labor government is logging and burning these forests just to make cheap paper. The government brought together a task force of loggers, unions and environment groups to find a way forward for these forests, but after three years the talks seem to have stalled and this government is still subsidising this logging using taxpayer money. So my question is: how can the government continue to justify logging these forests when there would be so many more jobs created through the creation of the great forest national park?

Mr ANDREWS (Premier) (11:34) — I thank the member for Melbourne for her question. She is correct to say that in full delivery of an election commitment the government did establish a task force with the hope that we could for the first time have both workers represented through their union, those in the timber industry represented by their association and a group of environmental non-government organisations reach a consensus in relation to certainly the Central Highlands and ash forestry, and indeed potentially a consensus beyond that.

It is disappointing that we have not been able to reach that consensus, but I do thank all of those that were involved in that process, and indeed the government continues to work with those who have been involved in that task force process.

I have no policy announcements to make today in relation to forestry. If and when I were to, I would be only too happy to ensure that the member for Melbourne gets a briefing so that she can continue to do what, might I say with respect, she does best — run a commentary.

Supplementary question

Ms SANDELL (Melbourne) (11:35) — I thank the Premier for his response, but if the government keeps allowing this logging, in just a couple of years these forests will be gone and species could go extinct because of habitat loss. Given that the government has been very happy to borrow and announce other Greens policies in the lead-up to the Northcote by-election, such as rental reforms and safe injecting rooms, can we expect the announcement of a great forest national park sometime before the election day, 18 November?

Honourable members interjecting.

The SPEAKER — The Attorney-General and the Minister for Planning are warned.

Mr ANDREWS (Premier) (11:36) — I do thank the member for Melbourne for her question and for giving me the opportunity to again remind all honourable members that whether it is building the Metro Tunnel; whether it is getting rid of level crossings or building new rolling stock made here in Victoria; whether it is making big social reforms like protecting Victoria's women and children from violence; whether it is recruiting more police than ever before; whether it is upgrading 1200 schools across our state or building the new Joan Kirner hospital for women and children — if only I had more time to list all the things that we are doing — do you know who is perhaps the most distant from that agenda? Those who would pretend to be closest to it. There has never been a brick laid, a job created, a reform delivered by the commentators up there in the furthest row: the Greens political party.

Ministers statements: employment

Mr CARROLL (Minister for Industry and Employment) (11:37) — I rise to update the house on how the Andrews Labor government is putting more Victorians in work than ever before. Three times the number of jobs are being created under the Andrews Labor government than the Baillieu-Napthine-Shaw governments — 280 000 new jobs, three MCG-fulls of jobs — thanks to our Jobs Victoria program, which is delivering.

The worst thing you could ever do is have a strategy to cut jobs. Those opposite had the sustainable government initiative, which ripped 4200 jobs away from the public sector. In contrast, our Jobs Victoria program is delivering and delivering, and I have met them — young Abdullah from Kensington, who is now working at Essendon Fields near my electorate, in a full career in hospitality thanks to our Jobs Victoria network.

We know the federal Minister for Employment, Michaelia Cash, is down a media adviser, and it is beginning to show. Hot off the press from the *Guardian* newspaper last night: ‘Half leave coalition’s youth internship scheme without a job’. But do not just take the word of the *Guardian*; the *Australian* newspaper on Tuesday talks about the ‘hopeless mess’ that is the federal coalition’s employment program. Unlike those opposite —

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Kew and the member for Ferntree Gully to cease shouting across the chamber.

Honourable members interjecting.

The SPEAKER — And the Deputy Leader of the Opposition.

Mr CARROLL — I thought those opposite would love a quote from the *Australian*.

Unlike those opposite, who love to cut — it is in their DNA to cut jobs; any future state Liberal government will cut, cut, cut — we will always put local jobs first.

Mr Clark — On a point of order, Speaker, as best I can make out, the minister seems to be debating the issue. I ask you to bring him back to making a ministers statement.

The SPEAKER — Order! The minister was making a ministers statement and had strayed from making a ministers statement. I ask him to come back.

Mr CARROLL — We will always put jobs first; we will always put local businesses first. The Andrews government is getting it done, with 280 000 jobs created. Under their watch, 4200 jobs were ripped from the public sector. Their sustainable government initiative mark 2 is under development right now. We are all waiting for it. Only the Andrews Labor government will look after workers and give people a choice in where they want to go to live a life of purpose. Young people like Abdullah from Kensington are getting their foot in the door in the labour market. Our record infrastructure spend is delivering.

Fire services

Mr BATTIN (Gembrook) (11:40) — My question is to the Minister for Emergency Services. Your bill to tear apart the Country Fire Authority (CFA) and make it more beholden to Peter Marshall and the United Firefighters Union (UFU) has so far failed to pass

Parliament, yet the CFA is already advertising for the position of manager, fire services reform, with a key job responsibility being listed as ‘restoring the CFA to an only volunteer organisation’. Minister, given your fire services reform bill has not passed the Parliament and it looks unlikely to do so, why have you instructed the CFA to advertise for a position designed specifically to implement it?

Mr MERLINO (Minister for Emergency Services) (11:41) — The answer to the question from the member for Gembrook is in two parts. Firstly, in relation to the legislation that is currently before the upper house, that legislation goes directly to a key recommendation of the bushfires royal commission, which talks about an independent process —

Honourable members interjecting.

The SPEAKER — Order! The member for Kew will leave the chamber for the period of 1 hour.

Honourable member for Kew withdrew from chamber.

Mr MERLINO — There were 173 deaths on Black Saturday. A key recommendation of the bushfires royal commission was the establishment of an independent process to determine boundaries.

The response time data that we released goes to the heart of the legislation and why it is important, and it is a disgrace that those opposite continue to vote against it.

Regarding the second part of the question in regard to this appointment at the CFA, there is a lot of fire reform that is not contingent on the legislation. We recently announced \$60 million of additional support for the CFA: \$11.6 million for volunteer training and capability, \$11 million for upgrades to CFA buildings and other infrastructure, \$11 million for specialist vehicles, \$10 million for CFA volunteer sustainability grants, \$6.7 million for workplace health and safety measures and funding to support leadership, culture change and diversity. That is fire reform, and we can get on with that job immediately. That is why the CFA is seeking to get additional staff to do just that.

Supplementary question

Mr BATTIN (Gembrook) (11:43) — Minister, since your government has taken control of the fire services in Victoria we have seen the loss of the emergency services minister, the Country Fire Authority chief officer, the CFA CEO, the Metropolitan Fire Brigade (MFB) chief officer, the MFB deputy chief officer, the MFB CEO and the MFB acting chief

officer as well as 10 CFA board members. With the loss of more than 300 years of fire service experience and your constant misleading of CFA volunteers about their future, is it not a fact that the management of Victoria's fire services are less prepared this year than they have been for decades due to your politicised war on our fire services?

Mr MERLINO (Minister for Emergency Services) (11:44) — My answer to the member for Gembrook is a categoric no. Those opposite never talk about saving lives. They never talk about saving property. They never talk about additional resources for the CFA. That is what we are delivering on this side of the house. In regard to fire season preparedness —

Mr Battin — On a point of order, Speaker, in relation to relevance and talking about saving lives and protecting people, one person on their side had the courage to stand up and say that it would not save lives, and look what happened to her. The one person who wants to stand up for safety, and the Premier bullies them out. It is disgraceful.

The SPEAKER — Order! The member for Gembrook will resume his seat. There is no point of order.

Mr Edbrooke interjected.

The SPEAKER — The member for Frankston will leave the chamber for the period of 1 hour.

Honourable member for Frankston withdrew from chamber.

Mr MERLINO — In regard to fire season preparedness, people should listen to the emergency management commissioner and the chief officer of the CFA, who said at the start of Bushfire Action Week that we are as prepared as we can be for the upcoming summer season. We know it is an earlier start. We know it is going to be a long, hot summer season. We have got the largest aviation fleet that we have ever had to protect our community. That is what an Andrews Labor government will deliver, protecting our community, saving lives and saving property. All those opposite want to do is the politics of fire.

Ministers statements: roads

Mr DONNELLAN (Minister for Roads and Road Safety) (11:46) — I rise to update the house on a number of projects within my portfolio which are planned to be finished next year. What a great year it will be — the international year of a bit of ribbon cutting. We are going to be doing a marvellous thing.

We on this side love a bit of pomp and ceremony, cutting a ribbon, and we are going to be doing a lot of it. I have bought myself a little pair of scissors, and I have called them Tory the Trimmer. They are gold embossed, and they are ready to go.

We know we will be opening the CityLink-Tullamarine widening project, and I know that is one close to the member for Malvern's heart. There is also the M80 ring-road — what a great project and Keating initiative. The Leader of the House will be very much looking forward to the opening of the upgraded Napier Street, Bendigo.

I know that when you are cutting ribbons you always like a bit of pomp and ceremony, and the Chandler Bridge is one that we will be opening next year. It is a great one. I know that the absent member for Kew, who obviously cannot play the four quarters, has a soft spot for that one. I will be expecting the member for Kew, in a flurry of trumpets, maybe knickerbockers and a bit of colour and movement, saying, 'What a marvellous job the Labor government has done fixing this tight point of the Chandler Highway'. What a great project that is.

Mr Clark — On a point of order, Speaker, the minister is now starting to stray from making a ministers statement. I ask you to bring him back to compliance with sessional orders.

The SPEAKER — I do not uphold the point of order.

Mr Hodgett — Take the scissors off him.

Mr DONNELLAN — Well, they are called Tory the Trimmer, so we will not be letting go. They are gold embossed.

It is going to be a big year of cutting the ribbon. We are going to be doing it at the Monash Freeway. We know the member for Gembrook will enjoy that one as he goes down the freeway, coiffed hair, spick-and-span, and looking good with 'VOTE BB' on the front of his car. God only knows what that stands for. 'Vote for big boo-boos. I promise not to tell another lie'. Who knows what that means? What we will not be doing —

Mr Clark — On a point of order, Speaker, the minister is again straying. I ask you to give him some guidance to bring him back to complying with sessional orders.

The SPEAKER — The minister has now strayed from making a ministers statement. I ask him to come back to making a ministers statement.

Mr DONNELLAN — What we will not be doing is cutting a lobster claw open and sucking on the flesh. We will not be cutting a deal with Kroger to bring in the Duke of Kew. We will not be cutting road maintenance in regional —

Mr Clark — On a point of order, Speaker, the minister seems incapable of complying with your guidance. I ask you to ask him to cease his statement unless he can come back to compliance with sessional orders.

The SPEAKER — The minister on a ministers statement.

Mr DONNELLAN — It will be a mighty year of cutting ribbons with old Tory the Trimmer. I am going to really have a great time.

RULINGS BY THE CHAIR

Questions without notice

The SPEAKER (11:50) — Yesterday the manager of opposition business asked me to review the Premier's answer to a substantive question asked by the member for Kew. I have reviewed *Hansard* and consider that that answer was responsive to the question.

The members for Bass and then Burwood asked me to review the Minister for Police's answer to a supplementary question asked by the member for Bass. After reviewing *Hansard* I also rule that that answer was responsive.

CONSTITUENCY QUESTIONS

Evelyn electorate

Mrs FYFFE (Evelyn) (11:50) — (13 433) My constituency question is to the Minister for Education. Could the minister advise my constituents when the education department will demolish the old police building at the Lilydale Primary School to make way for the new play area? Parents have told me it was supposed to be demolished in June and that it is a safety risk having the abandoned building so close to the students. It also looks ugly and is distracting to prospective families who are inquiring about sending their children to this wonderful school.

Yuroke electorate

Ms SPENCE (Yuroke) (11:51) — (13 434) My constituency question is to the Minister for Water. What is the Andrews Labor government doing to

protect Merri Creek and adjacent land in the Yuroke electorate? Friends of Merri Creek do a terrific job protecting the creek through community education and group activities, and recent reports by their volunteers of pollution and rubbish dumping have been disturbing. One local resident reported collecting seven full garbage bags of rubbish from the creek in Somerton, containing drink bottles and a disused fire extinguisher. I know that many Yuroke residents would appreciate any information the minister can provide on what the government is doing to keep our local waterways healthy and clean. I look forward to her response.

Gippsland South electorate

Mr D. O'BRIEN (Gippsland South) (11:51) — (13 435) My question is to the Minister for Roads and Road Safety. Can the minister provide a list of funding and works proposed for the major highways in my electorate over the forthcoming summer on the South Gippsland Highway, the Strzelecki Highway and the Hyland Highway, noting the works already underway on the Princes Highway between Traralgon and Sale? I regularly drive on all of these roads, and the South Gippsland Highway is in terrible condition. There are numerous potholes, pavement breakup and rough patches along its length, and it is a source of regular complaint from my constituents. I noticed last week that the section from Korumburra to Nyora is in a particularly bad state. Roads are the number one issue in my electorate. There is great concern about the poor level of maintenance. People are very frustrated at seeing millions of dollars spent on safety barriers while the road surfaces themselves are in such poor condition.

Carrum electorate

Ms KILKENNY (Carrum) (11:52) — (13 436) My constituency question is for the Minister for Energy, Environment and Climate Change. Minister, where can my constituents get more information about a ban on single-use plastic bags and managing plastic waste in Victoria? I have been contacted by environmental groups and many residents in my electorate of Carrum who are concerned about the impact plastic pollution is having on our land, environment and waterways. This is an urgent problem. We are now seeing plastic bags and other plastic products ending up everywhere, including in the Patterson River and on the Carrum foreshore, contributing to rubbish and posing a really significant hazard to our marine life. I know my constituents want to get involved and help protect our environment, particularly from plastic bags and other plastic waste. My constituents and I look forward to the minister's response.

Mount Waverley electorate

Mr GIDLEY (Mount Waverley) (11:53) — (13 437) My constituency question is to the Minister for Water. I acknowledge the cooperation and efforts of the minister in working with my office in seeking to resolve a complex and difficult residential water dispute in my district. I ask the minister to continue to do everything possible to resolve this dispute safely and satisfactorily and would appreciate receiving updates as the matter progresses further.

Sandringham electorate

Mr THOMPSON (Sandringham) (11:53) — (13 438) My constituency question is directed to the Minister for Roads and Road Safety. Beach Road has been hailed as one of the world's great cycling boulevards. Cyclists come from around the world to cycle along Beach Road, in addition to the multiple thousands of sports cyclists per weekend. My constituency question is in relation to the decision to narrow Beach Road. Has the minister or VicRoads consulted with the Amy Gillett Foundation or sports cycling groups in relation to the decision to narrow Beach Road and the safety implications of such narrowing?

Thomastown electorate

Ms HALFPENNY (Thomastown) (11:54) — (13 439) I have a question for the Minister for Health. My question is: Minister, could you please give information on the Koori maternity birthing room at the Northern Hospital and how it is progressing?

Bass electorate

Mr PAYNTER (Bass) (11:54) — (13 440) My question is for the Minister for Water. Minister, can you please clarify exactly in dollar terms what fine has been imposed on Aquasure for its failure to deliver the 50-gigalitre water order that was due by 30 June this year? You recently said that as a result of the failure to deliver the order the government would seek to cut payments it makes to the operators of the desal plant to have it ready for use, which was \$604 million this year. It was claimed that the money would be put in trust and used to flatten future bills for Melbourne water customers. Exactly how much has been placed in trust as a result of the fine and how much was the cost of the order discounted by for failing to deliver the full order?

Narre Warren South electorate

Ms GRALEY (Narre Warren South) (11:55) — (13 441) My question is to the Minister for Education

and concerns Kambrya College. I ask: when will the builder be appointed for the construction of the school's new \$3 million multipurpose facility? The entire school community is already very excited by the architectural designs that McGlashan Everist has produced. Their old portable classrooms will finally be replaced with a modern, state-of-the-art facility. The students and staff alike cannot wait. It is just yet another much-needed school upgrade delivered by the Andrews Labor government.

Yan Yean electorate

Ms GREEN (Yan Yean) (11:56) — (13 442) My constituency question is to the Minister for Planning. How is the minister and his department working across government to ensure infrastructure and services are delivered in a timely manner for the proposed suburbs such as Donnybrook and Woodstock? The communities of Mernda and Doreen are feeling a sense of relief that in the last three years Labor has been delivering new rail, roads, schools, early learning centres and sporting facilities, after the Liberals and the Leader of the Opposition allowed the 3754 postcode to experience a four-year population boom with zero funding for infrastructure and services. The challenge for the proposed suburbs is to deliver these vital services before significant population growth occurs.

Mr Watt — On a point of order, Acting Speaker, with regard to the question asked by the member for Carrum, *Rulings from the Chair*, page 150, 'Should not seek information readily available', states:

The Chair ruled a question without notice out of order as the information was readily available.

Regarding information that the member for Carrum has sought, I did a very cursory Google search and found that there was a press release by the Premier on 18 October which actually gives her that information. It is very easy for her to find it, so very clearly the information that she sought was readily available, and so the question should be ruled out of order.

The ACTING SPEAKER (Ms Spence) — I will refer the constituency questions from today to the Speaker for review.

VICTORIAN DATA SHARING BILL 2017

Second reading

Debate resumed.

Mr McGUIRE (Broadmeadows) (11:57) — When the White House came to Melbourne last year for the

opening of the billion-dollar jewel in Australia's medical research crown, the Victorian Comprehensive Cancer Centre, one of the proudest boasts of Vice-President Joe Biden was signing a memorandum of understanding with the Premier on data sharing aimed at helping to save lives. When it comes to cancer, we are in a race between the ingenuity of science and ever-evolving cancer cells. Being able to share the key proteogenomics, clinical phenotypes, data of various proteins and genetic characteristics of almost 60 000 patients in Australia and the United States with full privacy provisions was seen as a major leap in what we can do to address these issues, particularly when combined with computing power to give researchers an advantage in this ever-evolving challenge.

This highlights the opportunity that we have with data sharing if it is well-managed and if privacy is protected. It gives us opportunities to address these in medical research, science and commercial opportunities as well, including how we actually use the intellectual property that we have within the state government's jurisdiction and how we can do this for the public benefit to get the value out of intellectual property that the state holds to form a virtuous circle of funding. We can then get the money back from any products, services or businesses that are spin-offs and reinvest that into the sector.

Medical research is at a critical point where we have a major international advantage. It was really telling to get the insight from the White House that the system that we have on the data and the records that we have obtained in Victoria is so good that, compared to Victoria, even though America has a population of 320 million people, we still have a system that is of really high value, and it adds to the science that we have.

The Science, Medical Research and Technology Ministerial Advisory Panel is looking at how we can connect from business to benchtop the opportunities that come from data sharing and how we can actually hopefully evolve from that new companies such as CSL, which manufactures life-saving blood products globally from Broadmeadows. This is the opportunity that we can have in a globalised world, to increase science, to provide greater opportunity and to get to the value proposition through data mining.

If you think of it this way, in a 21st century ideas mining boom data sharing may prove to be as vital as the tools were in the gold mining boom that helped establish Marvellous Melbourne and Victoria's early prosperity. So that is the opportunity that we have. It is internationally recognised at the highest level. This is what this government is trying to do in a number of portfolios: look at how we can use this for economic

and cultural development and how we can actually harness this opportunity.

I think that is why this data sharing bill has relevance and that is why it is vital right now. It has urgency that has been put into it because these are the opportunities that this government is trying to pursue internationally, from the connection to the US through the Cancer Moonshot quest to cure cancer and through trade, investment and a whole scheme of different companies that will be spin-offs through innovation. So that is the relevance and importance of this bill.

I did want to pick up on what the member for Essendon said in his contribution. He said that if we looked at how this could be used in a social context and how we could identify where areas of concern are and actually identify families or individuals, we could determine what are the interventions and when they should be made to try to give them a better opportunity in life. I point out that that has been a proposition that I have been arguing for for nearly two decades. We know how these issues evolve over time. One of the best things we could do for equality in this state is to go back to where all the old housing commission estates were established in the postwar industrial settlement and actually have a look at what we are doing. We could convert them into public-private social housing and give lifelong learning so that we give the next generation the chance and the opportunity and then create the skills and the jobs and the better opportunities. It is the investment in the attributes that largely determine where we all end up in life — attitude, education and opportunity — rather than ceaselessly having the argument about building bigger police stations, grander courthouses and more prisons.

Let us address causes and not just symptoms. Let us actually be smart on crime, not just have the rhetorically endless loop argument between the media and MPs about being tough on crime, because it is actually being smart on crime that will make the difference. The issue is that we know where these people live. It has been defined. I have argued this and published it in *Creating Opportunity: Postcodes of Hope*. We know where the postcodes of disadvantage are. I said it about two decades ago and repeated it in my inaugural speech. The immutable laws of power, politics and money mean that resources are gifted to marginal seats ahead of those in greater need or disadvantage; therefore the safest held Labor and National Party seats will be where the issues are.

We have models on how we can address this. It is being done. I am happy to bring anyone on a tour through Broadmeadows and we will look at the Hume Global Learning Centre there. You have preschool reading and

lifelong learning. You can get some mentoring off computers and there is bilingual story time. Here is your chance to get a university degree or a postgraduate degree. This is how we should be using data. This is where we can locate the issues and we know what needs to be done. So it now comes to it being a question of political will, nous and funding to actually address how we go to these issues.

This would be one of the biggest investments we could make. On data, we know from the report done by the Ombudsman that half of Victoria's prisoners come from just 6 per cent of postcodes. This is my argument. So what are we actually doing in those postcodes to create opportunities and jobs, to address poverty, to address unemployment and to address disconnection? This is incredibly important now in a time of deindustrialisation.

So it is about how we are driving this agenda, and I am delighted that the Andrews government is taking the leadership on this nationally and has established the new portfolio of suburban development that addresses this. It is going into these communities and it is actually creating hope again, and that is what we need to do. This is the way we can identify data, this is why it matters and this is the way that it can be harnessed so that we do change people's lives, we do keep social cohesion and we do address the other issues that we have with population boom. Because they are the issues, particularly for Melbourne's north, which is going through major population growth, as are other areas as well.

Then it comes back to mutual obligation. This is a phrase that the Australian government likes to use when it suits its political agenda of the moment, but mutual obligation also means that it should be providing the resources that underscore the investments that are needed in these communities. These issues come to the fore, and data and its analysis are the way that we can see this. I just, as the member for Broadmeadows, highlight that \$70 billion went to South Australia after the closure of their auto industry, and I have established that there is an unspent \$1.324 billion sitting there that the federal government still does not want to invest in Melbourne's north.

We know what history says to us. We do not need to do any more research on the data because this was the managed decline that Margaret Thatcher showed to England's north, this is what the Australian government is showing to Melbourne's north. That is why I have been arguing the case for a smart cities deal. These are the propositions that the data exposes, and it comes down to this: we have to make decisions, and when you

look at the proposition that I put forward it is clear we need the triumph of rational decision-making over endless political gaming.

Ms KNIGHT (Wendouree) (12:07) — I would like to start by congratulating the member for Broadmeadows and thanking him for articulating so well why data and the sharing of data that we already hold is so critical across all spectrums of our lives, but I think, perhaps most importantly, in those areas of very high unemployment and multigenerational poverty, which is an issue that is close to my heart as well. Thank you for your advocacy in that area, member for Broadmeadows.

I am pleased to have a chance to speak on the Victorian Data Sharing Bill 2017. At its heart, the bill before the house is pretty simple. It creates a structure where data held by the government can be used to provide better services for Victorians to make the lives of Victorians better. Analysing this data and looking at it in different ways to discover patterns and insights to inform policy development and delivery will be the work of the Victorian Centre for Data Insights. But a key to being able to draw real insights to inform policy and government processes is having a range of data for analysis, and the bill before the house, the Victorian Data Sharing Bill 2017, will allow a process whereby departments can share data for analysis.

To do this, the bill before us will establish the office of chief data officer; promote the sharing and use of public sector data to make policy and service delivery decisions; make it easier to share identifiable data with the chief data officer or with data analytics bodies, and to facilitate data sharing across the public sector; put in place protections around data sharing by specifying the purposes of data sharing and the circumstances in which the sharing of identifiable data is permitted; and make sure that data handled under the principal act is protected from unauthorised access, use or disclosure. I will be discussing a number of these aspects of the bill during my contribution today.

I think we all want governments to make better decisions, and in so many cases those decisions can be better informed by information that is already held by the Victorian government. However, we first need to make sense of that information through analysis, and a lot can be learned by bringing different sets of data together and subjecting them to that analytical work. The insights we gain through this work can be hugely valuable to better government decision-making. However, it is currently difficult for government departments and agencies to share data. Sharing data under the current arrangements can take a long time to

occur and requires the negotiation of data sharing agreements between the agencies and departments who propose to share data. This limits the degree to which our policy and service delivery is currently informed by insight gained through analytics.

The first step to sharing data is to provide agencies with the authority to share data with the chief data officer or with analytics bodies in departments or agencies. This express authority will make it clear to agencies that they are able to share identifiable data and the conditions and circumstances under which that sharing can occur. This bill proposes a request and response regime where the chief data officer will have the power to request data from Victorian government agencies and departments.

For the purpose of data sharing enabled by this bill, there are two categories of government organisations. The first, termed 'data sharing bodies', includes departments, agencies and Victoria Police. These bodies will be required to respond to a request from the chief data officer by either providing the requested data or by giving a reason why that data will not be provided. The second category of organisations are 'designated bodies', which are organisations like IBAC, the Auditor-General and the courts. These designated bodies may respond to a request for data from the chief data officer by providing the data or providing a reason why data is not being provided, or choosing not to respond to a request. To maintain their independence these designated bodies will not be required to respond to a request but can still participate in a collaborative data sharing exercise if they wish.

However, given some of the data that could be held by designated bodies, I think it is important that they can share data with the chief data officer through this process if they so choose. For instance, the Coroners Court may hold data that, if the court wished to share and allow it to be subject to analytical processes, could inform policy and service delivery in Victoria. The potential benefits of this kind of work are not hard to imagine, and the option to participate has to be available and be subject to their independent judgement.

I now want to touch on issues of confidentiality and secrecy and to briefly discuss the kinds of data that will not be shared. The bill provides departments and agencies, data sharing bodies, with a range of reasons that can be the basis for refusing a request, because there may be very good reasons why an agency does not want to share data with the chief data officer. The bill also defines 'restricted data', which is data that the chief data officer cannot request, including information that could identify confidential law enforcement sources, the identity of a person in witness protection,

national security information and information on investigative procedures of law enforcement agencies.

To facilitate the transfer of data to the chief data officer, the bill before us, as detailed in the second-reading speech, sets aside secrecy provisions in other legislation when data is being provided to the chief data officer. It is important to note that data provided to the officer is staying within the Victorian government. Importantly, the bill only allows analytical work to be undertaken on data after reasonable steps have been taken to de-identify individuals. Indeed a line from the minister's second-reading speech bears repeating:

... the government is not interested in profiling individual members of the community, and this bill is specifically tailored to prevent that happening.

Underscoring the importance of maintaining confidentiality around Victorians' data, the bill creates two new offences for 'unauthorised access to, use of or disclosure of data or information'. These offences attract heavy penalties — imprisonment for up to five years for a serious offence.

Importantly, the bill provides for independent oversight by the Office of the Victorian Information Commissioner and the Health Complaints Commissioner to which the chief data officer must report annually on the work of the Victorian Centre for Data Insights.

I want to conclude by stating something that I think is incredibly obvious — that is, we live in a complex world. Understanding that world and how we can make the lives of Victorians better through fully informed policy and service delivery is also complex. But we can grow our understanding by making the best use of data that is already held by the Victorian government. We can gain insights into problems facing our community and be better informed when we develop solutions through analysis of government data. The bill before the house promotes this approach and makes it easier for government departments and agencies to collaborate on the use of data. Importantly, the bill also provides for protections and oversight of the work of the Victorian Centre for Data Insights. Someone a lot more famous and a lot smarter than me said:

Do the best you can until you know better. Then when you know better, do better.

I think it is beholden on governments and departments that hold a lot of information to do better and to learn more, to take what we already know and to look at what we have, how we can analyse it and how we can use it to effect practical change that can transform people's

lives. I absolutely support this bill and I commend it to the house.

Ms THOMAS (Macedon) (12:17) — I am very pleased to rise to speak today on the Victorian Data Sharing Bill 2017. In doing so I note that I spent almost 10 years of my working life as a senior bureaucrat in policy and communications roles, both at the Department of Education and Training and the Department of Premier and Cabinet, serving Premiers Bracks, Brumby and briefly Baillieu. It is my experience during that time that informs my contribution to this bill and my support for much better information sharing across the public sector to improve the quality, the responsiveness and the effectiveness of government services and program delivery.

The first question that public policy makers need to ask is: what is the problem that we are trying to solve? Secondly, we need to know how or if our interventions are making a difference. Data is absolutely critical to answering both of these questions. The bit in the middle — policy design — is the fun bit. It is easy to be creative, but less easy to be effective. Doing the hard work at the beginning, making sure that you have got all the data and evidence in front of you, understanding the problem that you are trying to solve and knowing how you will measure success or not are very critical questions and require access to good quality data.

I am very pleased to report that this bill will strengthen evidence-based policy and practice by promoting government data as an asset that should be shared and used to inform policymaking, service planning and design. In particular the bill will establish the position, powers and functions of the chief data officer as head of the Victorian Centre for Data Insights, give legal authority for departments and agencies to share identifiable data for integration and analytics purposes with the centre and across government, and provide appropriate protections and oversight of the centre and its operations.

The bill creates an enabling framework for data sharing rather than a mandatory disclosure regime. It provides departments and agencies with the clear legal authority to share. Under existing legislation, information-sharing agreements — memorandums of understanding — can take months or sometimes years to negotiate before any data can be shared or used. The bill addresses this by providing a clear legal pathway for departments and agencies to share and use data for policy and service design. It establishes a request and response regime where the chief data officer has the power to request data and departments and agencies have an obligation to respond by providing either the data requested or a

written reason for refusal. However, independent oversight bodies such as IBAC and the Victorian Auditor-General's Office have no obligation to respond to a chief data officer request.

The bill enables cross-government sharing of identifiable data by allowing departments and other agencies prescribed by regulation to receive such data for integration. Importantly it then requires reasonable steps to be taken to de-identify the data before any analytics work is conducted. It also facilitates data sharing by displacing secrecy provisions when data sharing with the chief data officer. Where there is good reason to limit data sharing, even for government analytics purposes, the bill allows secrecy provisions to be expressly preserved by regulation.

Broad protections to mitigate against privacy and data security risks have been incorporated into the bill. These include providing that data must only be handled under the bill for the purpose of informing policymaking, service planning and design, not for any purpose. The protections also include providing that identifiable data can only be used for data integration. Before using data for analytics, reasonable steps must be taken to ensure the data no longer relates to an identifiable individual.

Other protections include establishing a mandatory reporting regime that requires the chief data officer to report to the Office of the Victorian Information Commissioner (OVIC) and the health complaints commissioner (HCC) on the centre's operations and functions, requiring notification to OVIC and the HCC of any breach of privacy legislation, requiring ministerial approval before disclosing any data that was subject to a secrecy provision and creating offences to unauthorised access, use or disclosure of information. The chief data officer is not allowed to request highly sensitive data, such as data relating to national security or data that could identify confidential sources or a person in a witness protection program.

This bill is an important part of the Andrews government's data reform program, and it will provide clarity that Victorian departments and agencies need to share data for the benefit of all Victorians, together with the protections and oversights in place that the community has told us they expect.

I am very proud of the public policy leadership that has been shown in Victoria under successive Labor governments over almost 20 years. The Bracks and Brumby years saw Growing Victoria Together, A Fairer Victoria, the national reform agenda and Taking Action for Victoria's Future, which were all very

significant, substantial pieces of public policy work informed by an increasing understanding of the challenges Victorians face in a globalised, complex and unequal world. Of course when the Bracks government came to power in 1999 we had some significant challenges to face. We had to rebuild, from the ground up, public education, transport and health services, but we were able to do this at the same time as delivering world-leading public policy research and programs in early childhood, climate change and education, amongst other areas. This policy work was led by evidence and commitment to use the levers available to us to govern for the benefit of all Victorians.

When Labor lost government in 2010 it is fair to say a great pall descended across the public service. The policy teams literally had no work to do. As I have said before in this chamber, at that time I was a member of the Victorian public service. I was the director of communications at the Department of Premier and Cabinet. In the time that I worked for Premier Baillieu I have to say that I was given one task. That task was to use all the resources that were available to me to change the font on the briefing templates. That was the one task that was given to me.

The point that I am making is that those on the other side have demonstrated they have no capacity, no understanding and no ability to use the resources of the public service in the interests of all Victorians. In fact what we saw was that they sacked 4200 public servants when they were last in power. That is the regard with which the Victorian Liberal Party holds the highly professional public servants of the state. They have no —

Mr Wakeling — On a point of order, Acting Speaker, I do know that you provide latitude to speakers on bills, but I would ask you to draw the member back remotely to the bill at hand and perhaps ask her not to talk about the previous administration.

The ACTING SPEAKER (Ms Spence) — I call the member back to speaking on the bill.

Ms THOMAS — Thank you very much, Acting Speaker. I want to make the point, because I think it is a relevant one, that we are talking about a bill here to improve the capacity of the Victorian public service to use data that is available in the interests of the Victorian public. This is a great reform, but it is a reform that I very much doubt that those on the other side, should they win government anytime in the future, will have any need for, because you do not need data to cut services, and that is what those on the other side have shown. You do not need data to cut 4200 Victorian public service jobs, you do not need data to rip almost

\$1 billion out of schools and axe the education maintenance allowance.

Mr Wakeling — On a point of order, Acting Speaker, I do appreciate that the member may not have fully comprehended what you stipulated following my last request, but can you please ask her to come remotely back to the bill at hand and stop talking about the previous administration.

The ACTING SPEAKER (Ms Spence) — The debate has been wideranging, but I ask the member for Macedon to come back to speaking on the bill.

Ms THOMAS — I believe that I am speaking very directly on the bill, because I am talking about the very important use of data that is held by the public service to inform good policy design, and under this government, in contrast to those on the other side, we have seen some fantastic, well-researched, evidence-based policy reforms.

Indeed talking about data, as we were in question time today, for the first time we have released the response times for our fire services. We have seen that response times from the ambulance service are the best they have been in seven years. Our Education State targets are driving better outcomes for Victoria's young people. We have also used evidence to design what I consider a very significant reform — our *Homes for Victorians* package, which is a wideranging package of reforms that is making it easier for first home buyers to move into the housing market and a package that is making renting fairer, because we know that an increasing proportion of Victorians are now priced out of owning a home, so we need to change the relationship we have in this state between renters and landlords. On this side of the house we will use the data for good purposes, and I commend the bill to the house.

Ms HALFPENNY (Thomastown) (12:27) — I am also pleased to rise to speak in support of the Victorian Data Sharing Bill 2017. This bill is very important, and it aims to enhance management and remove barriers that impede the sharing of public sector data across departments and agencies. We know that people in government departments take their jobs very seriously, and of course they take privacy very seriously. Often this means that they do not want to pass on information, as they believe it may breach privacy rights. I think it is important to have this data sharing bill to allow the exchange of information across departments and for it to be in a central location.

The bill establishes the office of Victoria's first chief data officer in the Victorian Centre for Data Insights.

The chief data officer will have responsibility for data integration across government as well as data analytics. By enabling the sharing of data throughout government we will be able to deliver better services for Victorians across areas such as health, education, community services, business, employment, infrastructure and the environment. Because each department holds onto their own information, we do not really get a full picture; we only get fragments or departmental views on the things that are going on around us. It is not in any way an ideal situation for government to have to rely on piecemeal, unintegrated information in order to plan, in order to understand what people are doing and in order to provide the best services.

In Victoria, for example, there is the issue of population growth, which has been difficult to grapple with, particularly in the outer suburbs. I will give an example from the electorate of Thomastown, which since 2014 includes areas such as North Epping and Wollert, and they are growing at an enormous rate. I was talking to AVJennings staff the other day, and they were saying that something like four houses per day — or per week — were being purchased, and that is just one developer in a small part of the electorate.

It is really important to plan and to understand the demographics, because based on those things we can determine what sorts of services people are likely to need, and it is important to have proper data and have nominated responsibility not just for the collection of that data or the gathering of data from the various departments but also to analyse it in order to assist the actuaries and so on who look at what the population is doing and where we need additional schools and certain types of health services, whether that is maternity or aged care et cetera.

This bill aims to bring together data from across government departments and agencies and enable them to work together to fill in the gaps and gain insights into what works and what does not work while making important policy decisions in Victoria. There might be information from the Department of Health and Human Services, but another department, for example in relation to sport, may have further information about what sorts of sports people like. The health department may want to encourage further physical activity, and it is much better that data from the two is matched rather than being treated separately, which may mean that we are not making the best use of government services to increase people's participation in physical activities.

It is more of an enabling scheme rather than a mandatory disclosure scheme, which will enable data to be accessed by departments and agencies when it is

needed. As I was saying, for good reason departments are worried; they do not want legal action taken against them if they provide information to another department and it is considered to be a breach of privacy. In some ways departments are overly cautious, so this allows them to do it in a framework, and they will be protected through this legislation rather than them not doing it purely because they are worried that someone or some organisation may take action against them for disclosing that information to another organisation within the government.

The bill will allow us to gain a better understanding of Victorians and their needs. We can then plan for, say, population growth and things like that. Of course the government really does need to look to the future. It is often hard to work out what is going to happen, but that is what governments have to do. We have many policies and plans that go out to 2020, 2027 and 2030, so governments always need to look to the future, and the more centrally located and complete data we have, the better we will be able to assess needs for the future.

Another issue addressed by the bill, which has arisen, is the timely provision of data. We are considering data in this bill as a very valuable asset rather than just information that might be out there. It promotes the importance of data as a valuable asset that will be provided in a timely manner.

The bill provides a clear pathway for departments and agencies to share and use their data through a request and response system via the chief data officer. This will allow the data to be accessed more quickly, because under current legislation we do it through information-sharing agreements, which can take many months if not years to negotiate. This is really not an efficient use of departmental people's time. By the time an agreement is negotiated the need for the data may well and truly be past.

In terms of issues of concern that have been raised, security has been raised as an issue, as has privacy. This is not just amongst members of government departments but also amongst Victorians themselves. All of us are worried that our information and data about ourselves will be used in a proper manner and only for the purposes for which we provided the data. In the bill there are a number of safeguards that will allow the central collection of data without breaching any security issues. There are going to be strong safeguards to help ensure that the data is used in the way it is intended to be used. The new legislation will require steps to be taken to de-identify the data before it is used any further. It is also important to note that the chief data officer will not be authorised to request

highly sensitive data that could potentially identify or endanger, for example, a person that is in a witness protection program.

There has been extensive consultation on this legislation with organisations such as Victoria Police to look at where data collection might have some issues around security and protecting people. The bill has then addressed those things. The bill also provides that it is an offence for data to be disclosed in an improper manner or without authority, and individuals face up to five years jail if they breach the legislation and provide that data in an unauthorised way.

I think it is about time that data sharing across government is legislated to provide less costly access to the valuable data we have, and to allow us to use that data to improve the policies and services that are provided by government and its departments, because of course that is what being in government is all about. It is about improving society and making people's lives better, and we really do need the data to make sure that that happens.

Another issue is that other jurisdictions such as New South Wales and Australia have also introduced data collection legislation such as this, but I think we can never underestimate how important records are. I will give you an example: during the child abuse inquiry people were unable to access records because they were spread over different departments. It meant then that they were unable to provide evidence to take legal action, and it was also very frustrating and upsetting for people to have to run from one department to another trying to get information about themselves and being blocked all the way. So I hope into the future there will be some mechanisms in this system for people to access their own information.

Mr DONNELLAN (Minister for Roads and Road Safety) (12:37) — It is a privilege to speak today. It is in many ways a very important piece of legislation for any government. It does not really matter whether it is this government or the next government or any government henceforth. It allows a greater capacity to identify data and use it more productively because at the moment, as we know, governments are very good at collating and collecting data but not really as good as they should be at wisely using it.

This legislation sets up the Victorian Centre for Data Insights, and with that we also establish a chief data officer. When I was the shadow minister for child protection, I had the opportunity to sit down with the Murdoch institute and talk about a whole lot of data they had collected. They were using that data to identify

the likelihood of a young teenager literally going off the rails. Various incidents in the teen's life would suggest there would be a particular outcome in this particular instance for this particular individual, and that the teen would potentially end up in incarceration or being looked after by child protection or whatever the case may be. At the time the Murdoch institute were getting one of the large accountancy firms to assist in their endeavour on a voluntary basis to do that data analysis.

I know about the work that John Merritt does at VicRoads. When I first became the Minister for Roads and Road Safety at one of my first meetings with John Merritt he indicated that as an agency they were very keen to have their data open and available to all of the community. The reasoning for this was, more than anything else, so that this data could potentially be used by the private sector to look at the development of software, specifically, for argument's sake, in the area of traffic modelling and traffic management so that the private sector could look at using the data available through the data.vic access site to develop software to improve decision-making and the reliability of travel for the community across the board. I think in many ways that is just the beginning of this exercise.

The Victorian Centre for Data Insights will be responsible across the whole of government for data integration and analytics. It will work with the various agencies to ensure that data is presented in a usable format. For far too long, for many years, we just collected data and held onto it like Steptoe and Son — hoarding it, having it in the garage, putting it in another box, hiding it away and then pulling it out again. Really, it just sat there and we did not really do much with it. I think it is good that we are now going to be able to get that data out into the clear light and people can start to use it.

The bill will enable departments and agencies to work together to tackle key policy problems. When VicRoads put their data online and made it available to the community, it took some time to ensure that the data was de-identified and that there were proper agreements in place with other agencies and the like to ensure that it was done properly.

In the lead-up to this bill, in 2017, research was conducted to better understand Victoria's attitudes to and awareness of information and data use. I understand that approximately 1700 people participated. One of the findings of that particular bit of research was that there was the expectation that the government would use this data more wisely. I know for many years under the Bracks-Brumby government we had a lot of data but, sadly, many times the data

underestimated the growth that this state was going through. In many of the outer suburban areas the growth was very much higher than expected and, as such, in terms of our investment profile and our infrastructure spending, in many ways we were doing a good job, but I do not know whether the data might not have been able to allow us to do a much better job.

There probably was data around different agencies in government, but because of the current legislation, which has been in place for many years and which is obviously focused on privacy, it was not actually able to be accessed in real time and to provide us a real-time loop of what is going on on the ground. For argument's sake, in many ways, maternal child health service data is invaluable in terms of planning for future schools and the like. That type of data should be available in a very timely manner for all governments to use to actually plan for those things because that very much indicates your home-base population growth separate from your migration growth from interstate or from overseas.

That being said and done, hopefully now that we are able to access more agencies' data and actually collate it and use it wisely, I think we will be able to better plan for this state. I know at the moment we are doing such work in terms of transport, in the department of transport and also VicRoads, to start looking again at the data we have got, reviewing it and getting specialists in to assist us with the analytics of that particular data.

I know that there is going to be a need for strong governance and oversight of how this data is being used. That is important because of course there would be nothing worse than the abuse of this data, especially if it was not properly de-identified for others. There have obviously also got to be very strong privacy protections within that data. As I was saying, obviously it will assist us greatly in policymaking, service planning and design. I think in many ways it will give legal authorities a much easier process for departments and authorities to actually share the data. Previously it could take years to get agreements between those particular agencies and departments to share their data. That will be very much a streamlined process now after this legislation goes through, so that is very much welcomed. This enabling framework will provide a clear legal authority to share, which is certainly an improvement in the sense that obviously for years the government or any agency was trying to protect its data to ensure that there was privacy, but unfortunately it did not really do us much good as a government.

The chief data officer has the power to request data, and departments and agencies have an obligation to

respond. We will have the chief data officer doing that in an independent sense. It will not be particularly a minister doing that but the chief data officer looking at the potential for what we can use all that data for. If those agencies or departments refuse to provide that data, they have obviously got to indicate to the chief data officer why they would not hand it over and the particular reasoning for doing so.

More than anything else, we can obviously assure the community that the data which is shared between agencies will be de-identified before any analytical work is undertaken, which I think gives people surety within the community and the like that this will be used for proper purposes. Ministerial approval will also be required before disclosing any data. It will establish a mandatory reporting regime that will require the chief data officer to report and it provides that only identifiable data can be used for data integration — in other words what data can be provided for that and the format it needs to be provided in.

Obviously we will be trying to mitigate against privacy breaches and data security breaches at the very highest level, because we know from the 1700 people who participated in the research to look at the data the government has and how they are going to use it that this is something that the community also indicated their wish to see.

I think in many ways this is a good start. There is a long way to go in terms of our analytics and how we use this, but I do not doubt that over time we will develop substantial capacities in government, and there is also obviously substantial capacity in the private sector at the moment. We know that there is a great demand for data analytics across the universities and the like. I very much look forward to a future where this information very much drives better policy outcomes for the community and better policy outcomes for all of us.

Mr EDBROOKE (Frankston) (12:47) — Acting Speaker Ward, it is always a pleasure to see you in the chair right before lunchtime.

It is my pleasure to rise and speak on the Victorian Data Sharing Bill 2017. From the outset I would say that this is the result of evolution. The concept of big data is constantly evolving according to Kryder's Law, and the challenge for us is to provide architecture and management systems to ensure this data is accessible, is stored right and is useful.

Just for argument's sake, the world's per capita capacity to store information has roughly doubled every 40 months since the 1980s, which is absolutely huge.

The world's capacity to exchange information through our telecommunications network was 281 petabytes in 1986 — for anyone like me who does not know what a petabyte is, it is actually 1000 terabytes — and that had increased to 65 exabytes in 2007. And an exabyte, for those who cannot tell, is 1 million terabytes. As I said, the concept of big data has evolved, and this bill comes directly from a government that is evolving with our community and planning for the future. Whether it be on education, on the recent results we have had post the war on ambulances and paramedics, on roads or on social aspects as well, this government is hearing the community, listening to the community and acting on what the community wants.

We have heard some members of the opposition speak about this bill. Firstly, I would just like to point out some answers to some questions that have come up; I guess that is the correct way of putting it. One member of the opposition has said that this work has already been done, does not need to be done and there is no need to do anything. We can just sit on our hands like they did for four years, which members know we have not done.

This bill establishes statutory powers for the chief data officer because the current provisions in legislation lead to extremely burdensome and lengthy memorandums of understanding being developed between agencies for one-off projects. This process can take up to three years. This means that datasets cannot be reused for integrated analytics outside the scope of the original project. This is time wasting, it is inefficient and we need to do something about it. We are not sitting on our hands. The powers in this bill and the capability will drive for increased data integration and analytics which were not envisaged in the previous minister's IT strategy, which I will go into in a second. I think it is worth touching on that.

We have also heard that the bill prevents data from being released. There is nothing in this bill that prevents or inhibits the government's current open data policy. This bill is about data sharing for advanced analytics to solve complex policy and service delivery challenges. Again I say that there is nothing that will stop data from being released.

We have also heard members of the opposition talk about Labor's record on IT. IT is a very complicated world, and delivering successful IT projects is extremely hard, so when you can do it efficiently and properly it is a great outcome. When it goes bad — all you have to do is look at the federal government and you can see the census — it goes very, very bad very quickly. Public and private organisations across the

world experience difficulties in delivering IT projects; that is a fact. That is why this government has invested significant resources and the central oversight required in building the internal capability of the Victorian public service to manage and deliver IT projects.

This started in March 2015, when the Andrews government reversed the previous government's outsourcing agenda and saved 480 public sector jobs; 480 people were about to lose their jobs. Since that time we have funded the carefully planned and staged development of Service Victoria, released two whole-of-government IT plans, established unprecedented transparency over IT project delivery through regular public reporting on IT projects and funded the Centre for Data Insights in the 2016–17 budget. We have even introduced legislation to improve information-sharing practices in government and non-government service agencies to protect women and children experiencing family violence. This government is a getting-it-done government. We are certainly getting it done in many areas, and this is one of them.

We have appointed Victoria's first chief data officer. I have heard some people say they are a bit sick of acronyms, but I am sure the chief data officer does not mind it. This person is going to lead the Victorian Centre for Data Insights in transforming the way government uses data to strengthen policymaking and service design. This bill supports the CDO, or chief data officer, by establishing the statutory position, powers and functions in law. We know the complexity of existing legislative and policy mechanisms contributes to a strong culture of risk aversion around data sharing, and there are many examples of this. This bill provides a clear legal framework that explicitly allows for government data to be shared for policymaking, service planning and design.

We know that protecting the security of our citizens' data is paramount. Obviously this subject is in the media today. It is very important to note that when people provide their data there are certain expectations, and one of those is privacy. This bill provides a set of strong safeguards and oversight to protect people's personal and health information.

We are not reinventing the wheel here, and we are certainly not the first to deliver data-sharing legislation. Both New South Wales and South Australia have gone before us, and we have used the lessons of their experience to create a clear regime for data sharing and improve our policy and services, but we are actually going further, as this government usually does, by creating an express authorisation at law to handle

identifiable data. This will mean we can bring data together from across government to tell a bigger story rather than analysing from just one source to develop a better understanding of the common and complex client cohorts who are supported by a range of Victorian government services over time.

At the moment I can speak from experience in my seat of Frankston, where we have undergone various trials in our health sector to look at alcohol and other drug strategies and take a different approach to the way we treat members of our community with these health issues, which are not always crime and police issues. The difficulties we have had in getting data released from, I guess you could say, outside of the different departmental silos have been quite amazing. We have done it, but with difficulty. I see that this bill will improve on projects like that in places, even at the grassroots level in our communities.

The functions of the chief data officer are as follows. He or she will conduct data integration and analytics to inform policymaking, service planning and design; will build capability and data analytics across the public service; will lead and coordinate cross-jurisdictional data sharing and integration; and will collaborate with agencies and make the results of the centre's work available to those agencies. This is great news, as I said previously, to the people in my team who had so much difficulty in getting the information and the data that we needed for these trials.

To facilitate the CDO performing their role and to provide a clear message of the importance of providing data to the centre for policy and service design, the bill sets out a request and response regime. This sees the CDO provided with the power to request data and information about data holdings from Victorian agencies.

These agencies fall into two distinct categories. We have data-sharing bodies, which include departments, admin offices, statutory agencies and Victoria Police, and also designated bodies, which include independent and oversight bodies such as courts, IBAC, the Victorian Auditor-General's Office (VAGO) and the Ombudsman. The obligation to respond to requests from the CDO differs according to the type of body for the data-sharing bodies. They definitely have an obligation to respond to a request from the CDO, either with the data or with a reason why they cannot supply that data. The designated bodies, such as IBAC, VAGO and the Ombudsman, may voluntarily provide the requested data or a reason for not supplying the data, but have no obligation to actually respond.

Only 30 seconds ago I spoke about the previous government's concepts around data sharing, and I would like to revisit that for a second. The two ICT projects commenced by the previous Liberal government — Project Atlas and VicConnect — have been discontinued, and there are good reasons for that. The decision we made reverses the outsourcing of all but CenITex's services and preserves internal ICT capability that would have been lost through its closure.

We know that high-quality business systems and technology platforms are critical to driving better results and more collaborative practices across government agencies. Unfortunately the previous Liberal government did not see it that way. The review we undertook found that the former Liberal government proposed to outsource all these services in one package. That would have left the government, and therefore our community, much worse off. In essence, to be able to just strike off 480 jobs and make government worse off and less efficient and make things hard for our community is not a decision that a government should be making. There were obviously some critical factors around that. I commend this bill to the house.

Ms THOMSON (Footscray) (12:57) — I rise to support the Victorian Data Sharing Bill 2017. In doing so I want to talk a little bit about — and I will only talk for a short period of time — the importance and complexity of government decision-making and policy development at the moment and why it is so important that there is a sharing of data with all the safeguards in place to protect the personal data so it does not identify the individual but is there for the purposes of policy development. That is contained in the bill.

In the couple of minutes I have available I want to talk about why we need to have this data sharing. We need to have it because governing has never been more complex. There are no simple issues anymore. They tend to be across a range of policy areas and portfolio areas. If we are going to do this properly, we need to understand the complexity of that data and what it might mean.

If you look at planning and communities moving in, you need to look at what kind of health facilities they are going to need. You are going to have to look at the demographics of that community and how they may change over time and therefore the needs that may be required alongside that. You are going to have to look at the educational needs and the requirements and the complexities now with education providers. We used to teach to the norm, to the average. Now we need to identify and teach to the needs of our children. That data is crucially important in actually analysing what

kind of teaching provisions are available in our schools. We also need to understand what other health requirements these children may need so that they are supported. We need to know what those families may need to be supported.

In those policy settings, that data becomes crucial in being able to forecast and prepare for our futures so we are no longer working from behind the eight ball but actually working ahead of what our communities need and we are able to provide it. That is what this data will enable us to do. It will enable us to prepare for the future, not just work to the reactive responses to community needs but actually be ahead of them and be able to put the service provision in place where it is needed and when it is needed.

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

Mr CARBINES (Ivanhoe) (14:02) — Can I say from the outset that when we talk about data in broad terms what has been very important are the changes to the way in which personal information and data is collected and the way in which it is protected. My wife in fact was a former member of the Rudd and Gillard privacy information commissioner working party, appointed by the federal minister at the time, Brendan O'Connor. I know the work that she did involved with advice to the privacy information commissioner was very important in relation to how we protect and look after people's personal data.

We have seen change over many years now in relation not only to technology but also in relation to the way in which data is collected and the understandings and expectations that people have around privacy. We have seen many times the policies and procedures that are required right across the accountabilities for not only government institutions and organisations but also for many years health services and private businesses. We have seen some reports in recent times about the disposal of information, and law offices in Melbourne have reported recently about how documents are destroyed, how people's information is protected, but also how we record that over time. I think what is important here is that community standards have changed and that has also required our institutions, some of the great public record holders of our time, to address the way in which organisations are expected to maintain and share data and to consider what are the protocols and the standards that we seek to maintain in relation to data sharing.

I also wanted to touch on the explanatory memorandum which indicates that the main purpose of the Victorian Data Sharing Bill 2017 is to establish the office of the

chief data officer, to promote the sharing and use of public sector data as a public resource that supports government policymaking, service planning and design, and to amend, of course, the Privacy and Data Protection Act 2014. In particular I think what is important here are some of the comments made by the Attorney-General in his second-reading speech. There are some matters that I want to touch on.

A particular area that I think is of interest is that the bill expressly authorises data sharing bodies and designated bodies to provide data containing personal and health information to the chief data officer (CDO) on their request as well as to data analytic bodies — departments and other public sector agencies prescribed in legislation and regulations. The bill of course does also override secrecy provisions in legislation that may otherwise prevent data sharing bodies and designated bodies from sharing information with the CDO, except to the extent that certain provisions are preserved by the regulations.

I think that is important because members of Parliament act as advocates on behalf of their residents and constituents and often at times on their behalf we seek as legislators in this place to represent our constituents. That might be on public housing inquiries or it might be in relation to health service accountabilities that we wish to uphold and deal with on behalf of our constituents, often also in local government. The refrain that comes back from public sector bodies is, 'Sorry, we can't deal with you. This is something we have to deal with directly with the individual'. Of course we can then work through the bureaucratic processes to get the imprimatur, the permissions, from those constituents on behalf of whom we are advocating. But what sometimes we can be suspicious about is that there is obfuscation, a desire to make sure that members of Parliament are not able to act in the best interests of their constituents, to advocate for them and to advance and protect their interests on their behalf.

What I think is also important in a broad context around the principles of data sharing and the way in which that works is that the role of members of Parliament in advocating on behalf of their constituents is not impeded. It is important that those who run our public organisations, our public officials, understand when they are working in statutory authorities, when they are working in government departments, when they are working in local government, that there is a role for members of Parliament. By the nature of our role we have become in some ways experts in dealing with, cutting and wading our way through red tape and bureaucracy on behalf of constituents who are just trying to put food on the table, get through the day, do their job,

raise their families and make a contribution to society. They do not want to get bogged down and caught up in what can often be myriad red tape and bureaucracy when they are trying to seek justice and fairness in the way they are being treated by government authorities, organisations and the like.

Also important in relation to data matters is that members of Parliament are not impeded in their obligations and their desire to represent constituents. We have a lot more experience than many of our constituents. Sometimes these authorities and the people who work for them use those opportunities to push MPs away and to blunt and limit our effectiveness in the way in which we can advance the interests of our constituents and hold to account those public authorities. That is certainly an experience that has been important to me regarding how we are able to work our way through holding public institutions accountable, particularly when we are representing our constituents.

In many cases those who understand privacy laws and those who understand being the custodians legally of private information also understand their obligations and the role of legislators in representing the interests and the rights of their constituents, so I think sometimes common sense does prevail. But in many cases, when you get these literal interpretations of legislation, it can be to the detriment of legislators and their role as advocates for their constituents. I think that is a particularly important matter that we need to bear in mind in relation to the way in which the Victorian Data Sharing Bill works.

There are also a couple of other aspects that I think are important around possible reasons for a refusal to provide data. In particular a data-sharing body or designated body can refuse to provide data for any reason they see fit. Some possible reasons for refusing to provide data are outlined in the legislation and include but are not limited to when the disclosure is restricted or prohibited by law — naturally — or likely to prejudice an investigation of a breach of law, law enforcement, a coronial inquest or an inquiry or proceeding before a court or tribunal and also when it is likely to endanger the safety, health or welfare of an individual or group of individuals. That is all fair and reasonable. What we need to make sure is that people do not withhold data and information or do not shirk their accountabilities by using legislation like this to obfuscate and avoid their responsibilities and being held accountable as public officers on behalf of Victorians who may seek to hold them to account when issues arise and when people feel they have been treated unfairly.

Also important is the question of how highly sensitive data will be protected. There are multiple recent examples of serious government breaches. We have got Medicare data, defence data and the hacking of the Australian Bureau of Statistics census. How will the bill protect against such data security risks? The Attorney-General outlined some of those issues in detail in the second-reading speech. Other questions that people ask include: how will the risk of on-sharing of data be addressed under the bill? Will the bill require privacy impact assessments to be undertaken? What safeguards will be in place if the Victorian Centre for Data Insights or other data analytics bodies rely on large teams of contractors or consultants? How is that managed to protect data and hold them accountable?

In recent times in the area of defence data we have seen contractors leaving USBs on city streets. What are the protections there? Those opposite particularly like to deal with contractors and tender out the obligations and rights of the state to private mates. How do we make sure that the rights and protections of citizens are absolutely paramount? Given that this is a new scheme and the rate of change, why is the legislative review a period of five years? I think that has also been outlined well by the Attorney-General.

Consequential amendments are also a critical part of this bill, and I draw people's attention to why aspects of the Privacy and Data Protection Act 2014 need to be amended and of course to the fact that there are good policy reasons for distinguishing between personal information and sensitive information under privacy law. Also well covered has been how the bill seeks to treat sensitive information in the same way as personal information. I commend the bill to the house.

Ms GARRETT (Brunswick) (14:12) — It is a delight to get up and make a contribution on the Victorian Data Sharing Bill 2017. As we know, in the complex, modern world that we live in, with the technological advancement that is happening as rapidly as the days are long, government is collecting more and more data in all areas of our lives — really critical areas such as health, education, employment, infrastructure, environmental issues, planning and the livability of our communities, our suburbs and our regions. Government is able to do that more and more easily with these changes in technology. It is not what it was even just a decade ago and certainly not a couple of decades ago.

With that changing capability of collecting these huge amounts of data, people have two really key expectations of government. First and foremost they need to have confidence that the data that is collected in many different ways is protected and that their privacy

and confidentiality remain absolutely paramount. These days people are often sharing data without even realising they are doing so. We know that with the increased capabilities of people who want to use data for bad or nefarious reasons to access people's data and strip them of their assets or embarrass them in public — whatever it may be — government has this very solemn obligation to protect the data that it is collecting in a rapid way.

But people also have a very legitimate and, I believe, growing expectation that the data the government has collected is used appropriately, not just to protect their confidentiality but also to inform decision-making. This body of data gives government a huge resource to make important decisions about where perhaps resources should be expended in all those critical areas. Where are the gaps, for example, in protection for our vulnerable or sick Victorians? Certainly the Minister for Families and Children did a lot of work around how we are making sure there are not gaps in our data about people who are working with children and that that information is shared in a responsible way so that a person who may have a shady history or a red flag is coming up if they are bobbing up in another area. That is a classic example of how we need to make sure that the data that we gather and store is used not only to protect people's privacy but to help people in all of those areas mentioned.

With the member for Ivanhoe here I would also like to touch upon one of the important things that we have done in this place, which is around the donor conceived legislation, which the Andrews Labor government introduced. Part of the build-up to that legislation and part of the issues and the gaps that were identified was the destruction or loss of health data records for people who were conceived through the help of a donor pre-1988 and had no knowledge of that and had found out when they were in their 20s and 30s and sought information from hospitals and medical clinics only to find that that information had been destroyed or misplaced. The misuse or the destruction of data can have absolutely devastating consequences for people, and there is no more clear example.

Part of the recommendations of the committee, which I was a member on, was to ensure that there was integrity around record keeping. This is a reflection on a small part of what the government needs to do as a whole. It is doing this by supporting the fact that we have established the first chief data officer to lead the Victorian Centre for Data Insights. That is going to transform the way the Victorian government manages its data and strengthen its policymaking capabilities and outcomes based on that data.

Part of this bill is also addressing some of the extraordinary complexity that exists across departments, across legislation and across policymaking. One of the key drivers of these changes is of course the cumbersome nature of departments' and agencies' ability to share information in the existing framework. These agreements are long and cumbersome. There is no agility around how we are using this data. Often the bureaucratic pipeline gets clogged, which means of course that ultimately it is the Victorian people who suffer by not having that data used readily and well.

But again to reinforce the point about privacy and security being paramount, this bill creates very significant safeguards around the misuse of data by either accessing or disseminating the private information of Victorians with the creation of two new offences in relation to those matters, and those two new offences have very significant penalties attached to them, including up to five years imprisonment for those who breach them.

The framework of this bill is an outstanding framework for the Victorian community in the 21st century. We know that we are not alone in the steps that we are taking. Both New South Wales and South Australia have gone before us with their data-sharing arrangements, which have been very successful. We have also learned from the many mistakes that they may have made. We believe that this bill will provide Victorians with the certainty that they deserve around the storage of their data and also the absolute commitment that the data that is there will be used to make their lives better.

The chief data officer will have a range of functions in his or her position, including conducting data integration and analytics specifically designed to inform and assist us in our policymaking, service planning and design. He or she will also build capability in data analytics across the public service, lead and coordinate cross-jurisdictional data sharing and integration, and collaborate with the agencies, making sure that the results of the centre work. This will not only be available to those agencies but will also be used in the best possible manner. This is a very significant step forward, and we believe it will make an extraordinary difference to how government does its work.

Furthermore, the bill makes sure that the promotion, sharing and use of public sector data to inform policy and service delivery is at the core of the chief data officer's role. It will make it much, much easier for agencies and departments to share that data and to get over those hurdles that have crippled the departments

and agencies in their capacity to make the best use of the enormous amounts of information that they collect.

I think this is an extraordinary step forward for the Victorian community, and the government has put its money where its mouth is, really. It has had the courage, it has had the foresight and it has done the work to create a piece of legislation that will not only ensure that the data that is collected is protected, is confidential and has integrity around it, but also that it is used in the best possible manner. With that, I commend the bill to the house.

Mr WATT (Burwood) (14:20) — I rise to speak on the Victorian Data Sharing Bill 2017. I make the point that I have been listening to the debate and listening to members talking about the integrity of data and the importance of data. For me it is not just a matter of how we collect the data; it is also how we use the data. One of the points that was made by the member for Brunswick was in regard to the misuse of the data. I very much agree with that comment around the misuse of data. When a person takes two different datasets and tries to compare them without actually telling people that they are comparing two different datasets, and then they use those two datasets to actually make policy announcements, then members should be noting the fact that they are talking about different sets of data. So if we have two different government authorities carrying out similar functions in different areas and we are to take data from one and compare that with data from the other but not acknowledge the fact that they are different sets of data, then we might actually be accused of lying. Now, I am not saying that anybody is lying. I am just saying that sometimes people misuse data.

I have been in this chamber for nearly seven years, and the number of times I have seen the misuse of data is unbelievable. We heard during question time today the misuse of data. I think that what we need to do is make sure that when we deal with —

Ms Hutchins — On a point of order, Acting Speaker, I am not sure that the member has referred to any clauses in the bill or has referred to the bill. The bill is about the future agency, and he has actually not even referred to that. He is now referring to question time. I ask you to bring him back to the bill.

Mr WATT — On the point of order, Acting Speaker, I started my contribution by referring to another member's contribution. I am directly referring to the comment that was made by the member for Brunswick about the misuse of data, and if making commentary on another member's contribution during this debate is not a debate, then what is a debate?

The ACTING SPEAKER (Ms Graley) — Thank you for your point of order. We have had a wideranging debate, but I would caution the member for Burwood to stick to the bill.

Mr WATT — The Victorian Data Sharing Bill 2017 is about data. It is in the title — data. I have been listening to the debate, and members opposite have been talking about the use of data. This is about the use of data. It is also about the fact that when we make policy decisions, we use the data that we have. We need to make sure that we use the data properly. It is not just about the gathering of data or who is holding the data; it is about the integrity of the data and the use of that data. If a particular minister were to stand in this place or put out a media release and talk about the fact that one particular authority is not as good as another particular authority and they used two different datasets that did not correlate, then they might actually be accused of lying. Now, I am not saying anybody has lied; I am just saying that there is the opportunity for that when people do not use data properly.

I have seen in this place members over the last three years use multiple datasets which have been completely wrong, and sometimes I hear members using figures which are just completely and utterly made up. When we stand in this place and talk about data and about numbers, we should actually know what we are talking about, rather than just making this stuff up. You cannot turn around and say that the Metropolitan Fire Brigade is much better than the Country Fire Authority if you do not have the right data, and if you are comparing the dataset of call-outs to fires of one particular —

Ms Ward — Acting Speaker, I would like to raise a point of order. The member opposite has referred to making things up, and I would ask him to resist actually doing that in his own speech and to stick to data, facts and figures — not go on a wide, rambling debate, but actually stick to the bill, stick to facts and figures and not himself make things up.

The ACTING SPEAKER (Ms Graley) — Member for Burwood, please try to stick to the bill.

Mr WATT — Thank you very much. Referring to both the member for Ivanhoe and the member for Brunswick when they talked about the use of data and misuse of data, I think that is very important. Let us say we were to get data on a dictaphone and we were to take it off the dictaphone and disseminate that and then we were to smash that source. We need to be very careful about the use of data, but the member for Brunswick actually also talked about the destruction of data. I think it is very important that when the data we

are looking at does not actually belong to us we probably should not misuse it and we probably should not destroy it because that might actually be seen as property damage. That might actually be a crime. I think we need to make sure when we do use data in this place that we actually —

Ms Ward — On a point of order, Acting Speaker, I am sorry to interrupt you with another point of order and I am sorry to take up your time, but I really would offer counsel to the member opposite to actually articulate something and stick to the point, as opposed to yet again ramble with these impossible metaphors which very few people will actually understand.

The ACTING SPEAKER (Ms Graley) — Relevance, I think we are speaking about here. I would suggest to the member for Burwood that he is speaking in very broad terms, and he might like to narrow his attention down to specific parts of the bill.

Mr WATT — On a point of order, Acting Speaker, the standing orders and *Rulings from the Chair* actually preclude me from going through the bill clause by clause. If you read the standing orders or *Rulings from the Chair*, it actually says that I am not allowed to stand here and go, ‘Clause 1, clause 2, clause 3’. Actually that is not within the standing orders or *Rulings from the Chair*, so I would say that your ruling is wrong and that I actually do have the capacity to stand here and say, ‘The member for Brunswick said this, the member for Ivanhoe said that’, and I have the capacity during the debate to actually debate what other members have said.

The ACTING SPEAKER (Ms Graley) — Thank you, member for Burwood. Given that we have only got 3 minutes and 15 seconds left, I would suggest that you speak on the bill.

Mr WATT — Thank you very much. I am happy to speak on the bill, but I would like to concentrate my contribution on not necessarily disputing but agreeing with commentary that was made by other members of Parliament. Particularly I want to concentrate on the contribution from the member for Brunswick. The member for Brunswick specifically in her contribution talked about the misuse of data, and I know that she talked about the misuse of data because I actually wrote it down: ‘misuse of data’.

When members come into this place, put out press releases and base government policy on data — let us say as a minister you might want to destroy a particular government authority and you might want to trash the reputation of volunteers in a particular authority — what they might do is use made-up data. They might use data

that maybe was not made up but certainly does not correlate with other data that they are comparing; that is a very clear misuse of data. Members of Parliament, when they come in here, should actually tell the truth, and when they use data in an incorrect way, that is tantamount to lying. What we should not do is come into this place and make stuff up; what we should actually do is use the data. So if you look at the data —

Honourable members interjecting.

Mr WATT — We found out today during question time that the Minister for Emergency Services was completely misusing data. Some might say that he is a liar. Some might say that — I would not, because that would be unparliamentary — but what others might say is that he misled the Parliament, he misled Victoria —

Mr Battin — He is a liar!

Mr WATT — So the member for Gembrook would say he is a liar. The member for Gembrook might say that. I am not saying that he did say that, but the member for Gembrook might have said that during question time and he might have been right, because when you misuse data and when you deliberately misuse data to try to get your point across some might consider that to be a lie.

I would just say to members opposite that when you come up with facts and figures, maybe you should make sure that they are actually facts — not just made-up stuff, not just pretend and not just comparing two different datasets. You have got to make sure that you compare the datasets that have the same inputs because otherwise what we are doing is lying, and what we need to make sure is that as members of Parliament we do not actually lie to the public. What we should not do is misuse data —

Mr Richardson interjected.

Mr WATT — As I said, those opposite are the ones talking about misusing data, and I would say maybe we should not take data on a dictaphone, smash that after disseminating the data and then pretend that we did not do it or pretend that it is okay. It is not okay. Do not misuse data.

Ms WARD (Eltham) (14:30) — This bill is a key part of the Andrews government’s public sector reform agenda, and it is actually important, despite the member for Burwood’s trivialising of this important reform and this bill and the bizarre monologue that we had from him. I suspect anyone outside of this place would have great difficulty actually understanding or working out the points that he was trying to make. His subtlety was

a beauty to behold — it really was — and I suspect that the message was well missed in his bizarre use of the English language.

This is not a bill to ridicule, and the idea of data sharing is also not an idea to ridicule. I would encourage all members in this place to actually approach legislation with maturity and with thought as opposed to the bizarreness that we see from the member for Burwood.

Many years ago I worked at Kew Cottages. We had computers. We did not have many. This was the early 1990s, and we were still using what were then called Apple Macintoshes.

Mr Richardson — Going back to the good old days.

Ms WARD — Going back to the good old days — I will have the member for Essendon talking about his cars from the 80s shortly. We had data — reams of data — in piles of paper. There were piles of paper stacked on desks, on chairs and against walls all over the place. These were case files. These were the files containing people's stories — their histories, their medical stories, their families — and there were whole reams of it. While it was a job to put that data into a computer, you could see how cumbersome it was to cross-reference and collect the data.

I will give one example of where you may not think that sharing data is important, but it is. It is when you come to areas like storerooms and the people who have to order things in, where you have got someone who has to work out how many rolls of toilet paper are needed — in all seriousness — how many sheets are needed and what detergent is needed, and you do not know that. Unless you have that data, you cannot make informed decisions, you cannot make efficient decisions and you cannot make cost-saving decisions. Data is needed for pharmacy requests at a place like Kew Cottages. You have to know which unit needs how many workers and what shifts they have to work. There are a whole range of things that data can supply to help an organisation or a department run efficiently.

It is interesting to see this conversation around the idea of privacy and the idea of keeping and respecting people's data. It is right for us to raise this question and want to be assured of the fact that data is protected. But what I also have concerns about is the idea of those opposite that those who work in government cannot be trusted and that those who work in government cannot have their work valued.

Mr Watt interjected.

The ACTING SPEAKER (Ms Graley) — The member for Burwood is out of his seat. If he wishes to interject, he should return to his seat.

Ms WARD — I find that quite objectionable that there are those opposite who think that the work of government employees is quite funny and do not value it. It does not matter who is in government, our public servants and our government employees work incredibly hard. They work dutifully and they work for the betterment of the government they serve, the people they serve and the community they serve. To treat them with contempt, which sometimes happens in this place, is shameful.

Sharing data increases efficiency and reduces waste. It helps an agency or a department have a conversation both with itself and across departments. It helps people to know what is going on and it helps them to make informed decisions, but it also helps them to make informed policy. It stops people from making what we would call intuitive policy — policy on the run, policy out of the bottom drawer — which we saw from those opposite. It helps to make informed decisions.

Our election promise was to put people first, and that is exactly what we are doing and that is exactly what we are getting on with. We are indeed putting people first. The first thing that we are doing is showing how much we respect people, whether they are people who are employed by the government, whether they are people on the street or whether they are volunteers in our community. We do respect them and we are creating policy that shows how much we respect them and the work that they do.

We need to have the right institutions and capabilities to address the complex issues that this state faces. We need to know where to put things, where to spend the money, what to do and how to plan for the future. If the Australian Bureau of Statistics did not share their data with a whole range of agencies, we would find it incredibly difficult to make informed decisions. We would find it incredibly difficult to know where to invest our time, our thinking, our hearts, our passion and taxpayers money. We need that data from the ABS; we need data across the board. We need to know what is going on, what is important and what the trends are that are emerging.

We know how important public sector information is and how analytics can improve service design and delivery. Similarly — and this is something that is really important for this government — we want to tap into the entrepreneurial potential. We want people to grab data and be excited about it and do good things

with it. We want them to use their imagination, their enthusiasm and their abilities to create even better processes, to create even better policies and to keep striving for things that are exciting, original, new, good and useful. By being able to share this data, this is exactly the path we will be able to go on.

I think it is also important to note that as part of the government's response to the Royal Commission into Family Violence we established the Victorian Centre for Data Insights to drive new arrangements for information sharing and data management across government. I will talk about a woman in my own electorate who is really struggling at the moment. One of the things she is struggling with is something as simple as a car parking fine. She is struggling with that because she is a single parent who has experienced family violence. She might be lost without data sharing. Agencies will not necessarily know why she is finding it a struggle to pay that parking fine. They will not understand the layers of problems that she faces because she experienced family violence.

Again, I want to say how angry I am at those opposite who want to trivialise the idea of data sharing, because data sharing can save lives. It can help people who are on the breadline. It can help and identify people who could be doing it tough and who could fall through the cracks and find life a real struggle, through no fault of their own. They could find that struggle through family violence. This is something that is incredibly important. This is one area where we need agencies to be able to share their data. We need to know where these people are. We need to know what they are experiencing, and we need to know how they are living, because we need to be there to pick them up and help them along. It is our responsibility as a good government and as good citizens of this state to make sure that we are there for them. We can be there for them when we are sharing data and when we know what is going on in their lives. We cannot trivialise that. We have to take this seriously and we have to understand the ripple effect that this brings with it. We have to understand the positive, broader policy implications of this legislation and what it will bring.

This bill will strengthen the ability of the Victorian Centre for Data Insights to drive a data and analytic capability uplift across all government departments and will be an important foundation for accelerating data reform across government. Family violence is just one example of where this can help people and to make sure people do not fall through the cracks, that people do not miss out, that they are caught, that we have that safety net there ready to catch them, that we know what to do, that we know what has caused them to fall through the

gaps, that we know how to patch up those cracks and that we know how to put a hand out to pick them up and put them on a journey that is so much better than the one they have been on. That is the role of a responsible government, that is the role of a caring government and that is the role of a government which puts people first, which is what this government does.

I do not have much time left, but I do want to talk about CenITex and the services they had. One of the reasons that I want to talk about this is not just about the 480 jobs that were going to be lost because of decisions made by those opposite. This also affected people in my community. I had a dad with two young daughters who was so fearful of losing his job it was not funny. He had a mortgage to pay. He had a wife who was working part-time because she was looking after their two girls. Where was he going to go if he lost his job in a seat like mine, where house prices are not cheap? I commend this bill to the house.

Debate adjourned on motion of Ms SPENCE (Yuroke).

Debate adjourned until later this day.

COMMERCIAL PASSENGER VEHICLE INDUSTRY AMENDMENT (FURTHER REFORMS) BILL 2017

Second reading

Debate resumed from 19 October; motion of Ms ALLAN (Minister for Public Transport).

Mr HODGETT (Croydon) (14:42) — It is a pleasure to rise to lead the debate on this side of the house on the Commercial Passenger Vehicle Amendment (Further Reforms) Bill 2017. We know this is the second set of legislation in relation to the commercial passenger vehicle industry — the taxi-rideshare bills, as they have come to be known. While the first piece of legislation took some time to get through the Parliament and there were a number of issues associated with it, this bill deals with more practical issues of implementation, and as such we are not opposing this bill.

I will spend a bit of time putting on the record our understanding of the purpose and main provisions of the bill. The minister has given us an indication that she is happy to go into consideration in detail on this bill. There are a couple of key issues that we wish to prosecute or follow up on. We will take the opportunity to further highlight some of the concerns that are still in existence by people in the industry for the benefit of the

government and the minister. There is still plenty of work to do to sort those out.

As we understand it, the purpose of the bill is that it is a bill for an act to amend the Commercial Passenger Vehicle Industry Act 2017 and to provide a new framework for the regulation of the commercial passenger vehicle industry in Victoria, to make consequential amendments to acts and for other purposes. I will quote the purpose of the bill:

1. The main purpose of this act is to amend the **Commercial Passenger Vehicle Industry Act 2017**—
 - (a) to provide for a new framework for the regulation of the commercial passenger vehicle industry in Victoria including—
 - (i) new safety duties for commercial passenger vehicle industry participants; and
 - (ii) registration schemes for commercial passenger vehicles and booking service providers; and
 - (iii) an accreditation scheme for drivers of commercial passenger vehicles; and
 - (iv) certain protections for—
 - (A) consumers of commercial passenger vehicle services; and
 - (B) drivers of commercial passenger vehicles; and
 - (b) to re-enact, with modifications, certain provisions of the **Transport (Compliance and Miscellaneous) Act 1983** for the purpose of the new framework referred to in paragraph (a); and
 - (c) to make consequential amendments to the **Transport (Compliance and Miscellaneous) Act 1983** and other Acts, including amendments to the **Transport (Compliance and Miscellaneous) Act 1983** that will have the effect of enabling providers of commercial passenger vehicle services and booking services to set fares in relation to the provision of commercial passenger vehicle services under the new framework referred to in paragraph (a).

The reason we are not opposing this bill is that it deals with issues that were raised when the first piece of legislation came before this house. The issues were not in the first piece of legislation, and we did not expect them to be. But when the legislation was aired, the industry and commercial passenger vehicle participants — whether it be drivers, operators, licence-holders, stakeholders et cetera — raised concerns about safety and other issues that this second piece of legislation addresses. That is why I make the point that I think it deals with some of the more

practical issues that have been at the front of people's minds — about consumers, about safety, about protection, about everyone paying the same fee and about having a level playing field in which to operate. We are not opposing the bill. However, we will seek information and answers on a range of matters in relation to these reforms.

Part 2 of the bill inserts new definitions into the Commercial Passenger Vehicle Industry Act and provides for a new objective of the act. The new objective spells out that the regulatory framework is primarily concerned with the safety of the driver and passenger in a commercial passenger vehicle and the protection of consumers of those services. That goes to the point that I just made. We do not oppose this. Safety is the number one priority. It has been constantly raised by people who use the deregulated market — whether of taxi or rideshare services, hire cars; whatever they may be. The safety of transport users is the number one priority, and we welcome that part of the bill.

The new part 3, as I understand it, will establish a simple vehicle registration scheme to replace the complex licensing scheme which is currently in place. Any person who wishes to use their vehicle, whether on a casual basis to provide rideshare services or an ongoing basis to provide dedicated commercial passenger vehicle services, will be able to register the vehicle as a commercial passenger vehicle. We understand that this is necessary. Again this is a sensible provision and it is something that responds to people's concerns.

The bill will maintain measures introduced in the first round of legislation that were designed to ensure that booking service providers comply with the law. Critics of ridesharing have continuously raised concerns about safety, compliance, equal rules et cetera. An example is that before rideshare was legalised taxidriver had to comply with .05 legislation, and whilst Uber drivers wanted to comply with it, there was not the same policing or checking of those drivers with regard to driving under the influence. Again critics of rideshare services would welcome such a change so that everyone plays by the same rules. It is commonsense that booking service providers should comply with the law. Therefore we are very supportive of that part of the bill.

New part 5 will re-enact the commercial passenger vehicle driver accreditation scheme. The bill also simplifies the driver accreditation process, eliminating the requirement for a driver to renew accreditation every three years. In its place the Commercial Passenger Vehicle Commission will monitor all accredited drivers. The commission will continue to

undertake ongoing, regular criminal background checks on all drivers. Again this will be most welcome in the industry. People have talked about the fact that one player in the market has had to undergo criminal checks and comply with certain rules. If everyone is subject to those rules and it is policed and the commission continues to undertake those ongoing regular background checks, this will make it a level playing field. I think you will find that that will be a welcome addition by people who have asked questions about this issue for some time.

I note that the Commercial Passenger Vehicle Commission will have new possibilities to monitor fares for commercial passenger vehicle services, including requirements to report annually on how fares are changing. This monitoring task will include monitoring the impact of the per trip levy on fares for commercial passenger vehicle services, including fares paid by regional communities and the disability sector, and I will come back to that in a moment. This information will be used to inform whether any rebates to ensure geographic equity are required and the level of those rebates. Fares paid by regional communities in the disability sector are something that has been a major concern, and that got my interest. At the bill briefing, which we were very appreciative for, we explored that a bit, and maybe there will be an opportunity to explore a bit more with the minister how that will operate.

Members may recall when the first piece of legislation went through that there were attempts to amend the bill because regional areas that do not necessarily have access to ridesharing services — albeit with the legalising of them they can commence there — will be collecting the levy to fund that. We have had discussions around the equity of that, how that would work, whether it should not apply outside metropolitan areas, whether it should apply coming in and out of metropolitan areas or whether there should be a lower rebate in those areas.

With credit to departmental officers and the minister I think they have taken that on board. With those amendments not proceeding in the upper house I think a gesture of goodwill was to explore that with members of the upper house in seeking their support. Again we have major concerns around regional communities and the disability sector, so we will explore with the minister how that may operate. I know a number on our side in making contributions to the debate on this bill will highlight that, particularly those who live in regional and rural communities.

New part 7 provides for compliance and investigation powers. This part provides for authorised officers and

confers powers on the Commercial Passenger Vehicle Commission and authorised officers to investigate breaches of laws under the act. Again I state that this will be welcomed by those in the industry who have spoken about this at length in terms of authorised officers having not only the powers but actually acting to make sure people are complying. The industry has asked for this, so I think it will be welcomed — and that is across all of the commercial passenger vehicle industry, not just a segment of it.

New parts 8 and 9 provide for enforcement measures and disciplinary actions that may be taken by the Commercial Passenger Vehicle Commission. That goes back to my previous point, that if you have authorised officers, they can provide enforcement measures and disciplinary action across the sector. I think you will find that at the end of the day that will be welcomed by all those in the sector as this legislation beds in and the bill takes effect when it has passed both houses.

Amendments to the Road Safety Act 1986 require all drivers of commercial passenger vehicles to have a zero blood alcohol concentration when providing a commercial passenger vehicle service. As I said earlier in my contribution, we support this. In this day and age of road safety and a focus on drink-driving and 0.05 driving, and where taxidivers have had to comply strictly with this for their safety, roads users and their passengers, to have this now for all people providing commercial passenger vehicle services is supported. It was raised by the industry and the taxi group when it was them versus the ridesharing group, which had to comply with a certain set of rules, and ridesharing seemed to get away with a lot of it. So to have this uniformly across the board is fair and reasonable and will certainly meet community expectations.

At the bill briefing we were informed, just out of interest, that since the changes on 9 October, following the passage of the last bill, there have been some 1450 new applications for taxi licences, with 700 new licences granted. There have been 350 applications for hire car licences, with 150 issued. No applications for taxi or hire car licences have been refused. I think that point demonstrates that there is demand for licences. With the deregulation and cheaper fares across the board there is still great interest in people wishing to take up a taxi or a hire car licence. That gives great choice and great opportunity for businesses and for transport users.

Where we have always had concerns is with the compensation package and the Fairness Fund. That continues to create great difficulties for taxi licence holders, and I will come back and raise grave concerns

around that. That aside, these sorts of practical changes uniformly across the board are fair, and everyone knows the set of rules they are playing by. You will still have critics of ridesharing and you will still have critics of taxi services, but by and large I think you will find that it will be welcomed that we have a uniform set of rules.

The key issues for us in discussions with stakeholders and those on our side of the house that we wish to prosecute are questions about how the disclosure of fares and the quoting of fares under the new and deregulated arrangements will operate, in particular how the system can be fair to the elderly and the vulnerable. The bill briefing gave us confidence in terms of how it will operate, but you know these things, we will see how they work when they are implemented and hit the ground. So we will have questions about the disclosure of fares and the quoting of fares under the new and deregulated arrangements, how they will operate, and in particular how the system can be fair to the elderly and the vulnerable, particularly the elderly.

I hark back to the regions again. We have had many, many examples over this year and even last year as the legalising of ridesharing was in the mix and being discussed, of elderly people, not only in country communities but also in the metropolitan areas, who might catch a taxi down to a medical appointment or to do their shopping. They might get a bus to do their shopping but they catch a taxi home because they have got the groceries on board. How might this impact on them with the setting of fares et cetera? You want those people to still have access to cost-efficient, efficient and reasonable services and not have their lives disrupted because they are priced out of it with the current cost-of-living pressures.

The second key issue that we wish to prosecute is the ongoing position of taxi and hire car families and the crushing of their licence value. I caught a cab from Parliament on Tuesday night. I got in outside Parliament House and the Greek taxi driver said to me, 'Are you a member of Parliament?'. Of course I said yes, and then he took the opportunity to tell his story fairly, reasonably, sensibly and calmly. It is a story that echoes the story of many, many families that have a licence and have worked hard to get it and still do not know what is going on in terms of their compensation under the Fairness Fund. I will come back to that; it is a key issue. It is the ongoing position of taxi and hire car families and the crushing of their licence values and where that leaves them. I urge the minister, the government and the department to turn their attention to that.

Indeed we had a gentleman in the gallery here, Andy, a couple of weeks ago. The minister met with him after

question time, which was terrific. Andy owes money to the bank. He is living in a garage and his wife is pregnant. He does not want to go bankrupt because he is doing some further studies to try to better himself, to go onto a career path. It is an example of someone in the industry. The current way the compensation and Fairness Fund is being applied to him is grossly unfair. It is putting a lot of pressure on him and his family. He is a proud man and needs to have this issue sorted out.

To give credit where credit is due, the minister met with Andy straight after question time, and it will be interesting to follow up to make sure that he has received some advice from the department in relation to his application to the Fairness Fund. I make the point that his is one of many, many stories, and the Greek taxidriver I spoke about a moment ago, whose taxi I caught on Tuesday night, is another example of what is happening in the industry. I implore the minister to listen to the stories and to get them rectified as soon as possible, because it is putting a lot of pressure on taxi and hire car families that hold licences.

The third key issue that we wish to prosecute is security under the new arrangements and how the government, through the new regulations, will ensure the safety of drivers and passengers. We want to explore that and how that might operate a bit more. If we get the opportunity to go into a consideration-in-detail stage after this debate, we will be able to hear firsthand from the minister on some of those issues. We would be interested in having the minister elaborate on the key issues and clarify how they are going to work in practice, how are they going to operate, and to give us some sort of confidence in how they will operate.

I should take the opportunity to thank again the many industry associations and stakeholders that we consulted with. When you get a bill into this house, none of us on either side would claim to be the font of all knowledge. We go out and consult with industry and get feedback from a range of people in a very tight time line, so I thank the Victorian Taxi Association, Victorian Taxi & Hire Car Families, Barton Chauffeurs, the Taxi Action Group, the Victorian Hire Car Association and Uber, amongst many who were able to give us some input into this bill, including their thoughts on it, how it might impact on the industry and what matters we should prosecute when debating the bill in here.

As I said, we are not opposing the bill. We will seek answers to a range of questions in the consideration-in-detail stage, but we are not opposing this bill because by and large we think this second piece of legislation is not as controversial as the first and deals with more practical issues, ones that have been talked

about for some time and need to be implemented. The bill largely replicates many existing functions, but also establishes a mechanism to regulate safety. We are all about safety. That is a good thing. It provides that mechanism to regulate safety in the setting of fares. Clearly we want a safe taxi, hire car, Uber and ridesharing service. We will seek assurances that this bill will actually deliver that — a safe taxi, hire car and Uber service — for anyone who uses or operates it.

In the time remaining I want to turn my mind to and raise a number of matters that have been raised with me. People will appreciate my putting them on record to again draw to the attention of the minister and her office some of the cases out there in the industry that are in really dire straits. I refer briefly to the minister's tabling of the statement of compatibility and her second-reading speech. In her second-reading speech the minister said:

Earlier this year, the Andrews government introduced a bill that made major reforms to the commercial passenger vehicle industry. The changes in that bill provided for the regulation of rideshare services and measures to assist the industry in this time of sweeping change. Industry participants were supported —

these are the minister's words in the second-reading speech —

by the largest industry support package in the country. That bill was the first step in the reform process.

The minister went on to say in the second-reading speech that:

... the government has decided to abolish all licences while at the same time providing the most generous transition package in the country to the industry.

The reality check here is that there are many, many stories out there. We have all got them, on both sides of the house — you will hear about them today — from taxi licence holders and owners. A typical story is where they have come out, they have migrated to Australia, they have bought a licence, they have worked hard — some 60, 70 or 80 hours a week over many, many years — often giving up time with their families and their loved ones, sacrificing school parent-teacher interviews and graduation nights. There were all those sorts of things that people gave up with the view of working hard, getting ahead and being able to retire with some sort of superannuation or some sort of self-funded retirement to enjoy the latter years in their life after working their guts out for many, many years. Many of these people reinvested and bought a second licence, a third licence, a fourth licence. Many mortgaged their house and continue to owe money to the bank. Whilst the claim is that this is the most

generous compensation packet, if you listen to some of these people's stories, a lot of them are still in really dire straits, so much so that the Fairness Fund is not really being seen to be fair at all.

I would implore the minister, as politely as I can, to focus on this area. We had Andy in here a few weeks ago. There are plenty of examples of Andy out there where they need the assistance of the minister's office to get their applications heard and processed as quickly as possible so that these people can get on with their lives, meet with their banks and do whatever they need to do to adjust their circumstances. All their circumstances are different, but the common theme in them is that they have had their licence bought back for a pittance and they need assistance.

Whilst I could quote many, many examples, I think they are summed up in an email that I recently received from Linda De Melis, who is an advocate for her parents, who are taxi licence holders. Again it shows the botching of this, and the government really needs to have a look at this to try to get it sorted out. I will read Linda's brief email:

You may be interested in the way this government is paying out on taxi licence transitional assistance ... this is a colossal government botch job. Perhaps you could shed light on the way the transitional payments (\$100 000, 50, 50, 50 for 1st, 2nd, 3rd and 4th taxi licence, nothing for any more) have been paid on a per entity basis. For example, husband and wife own two licences jointly receive \$150 000.

That is, \$100 000 for the first and \$50 000 for the second.

Husband and wife own one each singly receive \$200 000.

Seventeen licences owned in a trust with seven beneficiaries (mum, dad and five adult kids and a shared \$2 million debt) get \$250 000.

Husband and wife with 10 licences held in six separate entities — singly, jointly, company, family trust and super fund — got \$750 000.

Guy with 13 licences in 13 separate entities got \$100 000 for each one — that is a staggering \$1.3 million!

So you can see the pattern here. There are people that own licences in different structures. They are not being treated consistently; they are being treated differently. So is it any wonder that people are frustrated and annoyed and trying to get the best deal for themselves to pay off debt? A few examples there just show how inconsistently assessments are being made.

Linda goes on to say:

We are being governed by imbeciles. They have these reforms so wrong. By fluke alone some people have come out

way on top and others penalised severely. I don't begrudge people their accidental win, but the inequity is staggering. People have structured their financial affairs to suit their own unique personal and business situation. No-one planned for this ridiculous outcome. Not one person was more clever than the next.

A taxi licence is property, as ruled by the High Court in 1998, but it is being treated by this government like a token found in a pack of cereal. Each licence is equivalent in value, whatever that may be, and is entrenched in people's finances just like any other income-bearing property.

Finally, Linda says:

Perhaps you would be willing to shed light on this gross injustice. We are being deprived of our basic human rights by a moronic and arrogant government and apparently everyone thinks it's okay because after all taxidrivers smell! And because of this the government is getting away with it. The racist undertones of this situation and persecution of those in the industry is the only thing that stinks here! No-one will set the record straight — will you?

I am happy to pass that on to the minister's office. Clearly Linda is frustrated. She is not a licence-holder; her parents are. She has been a great advocate and a great voice, along with Esther and Lou and a number of people we have met in relation to this, but that sums up the payout of that. It is grossly unfair.

Finally, I raise an example from the member for Benambra, who just this week has passed on that he has had a visit to his office — another example that these people need help — and I implore the minister to take this up. The hardworking member for Benambra passed this to me this week. The email to me — this is from his office — reads:

Good morning

Mr Tilley had a visit in the office yesterday from Mr Dennis Cook of Yackandandah regarding the implementation of reforms.

Mr Cook and his wife own a CT country taxi licence and a CH country hire car licence.

They received several letters from the TSC outlining the reforms and including a table of payments (attached).

At no stage was it mentioned that, even though they hold two different types of licence that one would be considered as a second licence. They accept that this would have been the case had they held 2 x CT or 2 x CH but their two licences are in totally different categories.

However, payment day came around and they received \$21 250 when they were expecting \$27 500 (based on the table of figures provided).

Contact was made with the TSC and they were advised that 'payments are for a maximum of four licences, per licence-holder. If you hold a combination of licence types (e.g. hire car and taxi licences), only the licence with the highest value will be considered as your first licence'.

There was no mention of this in any earlier corro and Bill —

Bill being the member —

doesn't recall this being any part of the debate and has asked me to touch base and establish if this was part of the legislation or if the TSC are now interpreting it this way and if therefore possible comeback for licence-holders such as Mr Cook.

Look forward to your advice.

I think the member for Benambra is right, and I will take that up with the minister, but there was an opportunity to put that on record here today. I would implore the minister to take up these matters. These people are in dire straits. They have worked hard all their lives. They have had their assets taken off them, and they have been given a payment which is far from acceptable in terms of being able to pay off their debts and sort out their financial facilities.

Ms Graley interjected.

Mr HODGETT — You can laugh at them and say they get nothing; I think that is disgraceful.

Ms Graley — No, I said you were going to give them nothing.

Mr HODGETT — That is not correct. I think that is a disgrace. We were fighting for more money for these, and it should be open to that. To mock these cases I think is an absolute disgrace.

An honourable member interjected.

Mr HODGETT — We are not rewriting history at all. You are lying. You are misleading. I challenge you to produce any time that the coalition said that they opposed any payments. That is not correct and is a falsehood.

Anyway, that is part of the first bill. The problem now is sorting out some of these matters, and I respectfully ask the minister to turn their attention to it.

In relation to this current piece of legislation before us, we are not opposing it. We think it deals with the more practical issues, gives a level playing field and deals with the issues of safety and compliance. I think those practical matters will be welcomed by the industry. If we get the opportunity to go into committee, we will prosecute those three issues that I raised and look forward to the minister's response.

Mr PEARSON (Essendon) (15:12) — I am delighted to join the debate on the Commercial Passenger Vehicle Industry Amendment (Further

Reforms) Bill 2017. I note the lead opposition speaker has indicated in his contribution that the opposition will not be opposing this important piece of legislation. It is incumbent upon the government to bring a piece of legislation like this before the house. We all know, and many of us have seen firsthand, the change in this regulated market over the course of a very, very short period of time.

I think in an earlier contribution I relayed a story I experienced back in 2016 when I was doing some letterboxing in my electorate. It was a Sunday morning and a car pulled up beside me. A man came out of his house, walked over to the car, jumped in the car and left. As many of us know, when you are out letterboxing you have got a lot of time on your hands, a lot of time to think about problems or issues. It struck me at the time that I did not know whether the driver of the vehicle was an Uber driver or a friend who had picked someone else up. I had no idea whatsoever.

I thought back to if that had happened in 2006 or if it had happened in 1996 or 1986. It was a different world because, if you were trying to sell your services as a taxi driver, you would need to promote that. You would need to have a phone number. You would need to put yourself out there. Within a very constrained, tight market it would become quickly apparent that you were operating illegally, and there would have been a very stern regulatory response against you. Yet in this case what you saw was, if it had been an Uber driver, a case of someone using an app on a smartphone to contact Uber to procure those services. That is beyond the purview of the state government, and it was complicated obviously by the fact that when these matters had previously been before the courts, the courts had ruled them out.

From a purely regulatory perspective in terms of the way in which the industry operates and is run, the circumstances of that industry have changed quite significantly over a very, very rapid period of time. But what is before the house today relates to broader issues beyond the operation of that industry. It relates to the way in which the safety and efficiency and effectiveness of that industry will operate, and it will also be about providing information to people to make better choices about what services they use in the ridesharing or taxi space.

As the member for Croydon indicated, part 1 of the bill indicates the framework will commence in mid-2018. I asked one of the attendants for a copy of this bill, and this is a very serious piece of legislation — I think this would be the largest bill I have had in my hands in the brief time that I have been in this place.

With this bill we are trying to ensure that minimum standards are being met so that consumers have got a degree of protection when they use either a ridesharing service or a taxi service. I note that in terms of some of the changes there will be real-time recording of driver accreditation so people will have a sense as to whether drivers are fit and proper people to drive. There will be reporting on an annual basis about fares, and data will be generated to put out in the public domain for people to use.

I note in particular that:

New part 10 establishes a public register of industry participants to enable the community to access information on the industry such as the status of person's accreditation. This information will empower consumers of commercial passenger vehicle services and enable them to make informed choices.

I am quoting there from the minister's second-reading speech.

It did remind me of a book I am currently reading called *Nudge* by the Nobel prize-winning economist Richard Thaler. He wrote the book in 2008 with Cass Sunstein. He posits a theory of libertarian paternalism. It is the idea of trying to encourage people to make changes based upon information while restricting freedom of choice. It is a way of basically saying, 'Look, I'll let the individual determine what they wish to do, but I'm going to provide information to that person so that they can make a good choice. They can make a good decision if they so choose'.

In this case, what we are seeking to do with new part 10 is to make sure that consumers can make an informed choice. So you go from a strictly regulated market where you have got high barriers of entry and a monopoly provider — essentially a monopoly provider, really, or you might argue that it was an oligopoly, but at the end of the day it was a service you were using — you are now going to a multiplicity of service providers offering a wide range of services.

In his contribution the member for Croydon referred to the member for Benambra, and I do appreciate that in regional settings there are probably fewer choices available. What we are trying to do here by putting more information out in the public domain is make sure that people have the opportunity to make an informed choice. By that they will then be able to determine, 'Well, I won't go with that particular service provider because, based upon the information that is in the public domain that has been captured by the state government and put out in the public domain, that person has got a bad record or they have got very low ratings, so I'm not going to go there'.

So to some extent, then, you have got the capacity for an individual consumer's choice and their behaviours to have an impact upon the service offering. It is in many respects a completely different regulated market compared to the one we had previously. I think that is reflected in the size, depth and complexity of the bill that is before the house. This is effectively establishing a new regulatory framework for what is essentially a new market, or a market that really did not exist terribly long ago.

It is also about making sure that these participants obey the broader rules of our society and our community. It is true, going back to my example, that we had no capacity to ascertain who was an Uber driver or who was not. Again, as I indicated earlier in my contribution, when the matter came before the courts, the courts did not rule against the Uber driver. That does not mean that an Uber driver, a ridesharer, a driver or a taxidriver is above the law. Clearly there is a need and a requirement to make sure that there are obligations that comply with the Occupational Health and Safety Act 2004. There needs to be an assurance that there is a zero blood alcohol reading for drivers to make sure that there is a safe environment for people travelling in these vehicles. I think that is a really important step.

I am pleased that the Commercial Passenger Vehicle Commission will monitor drivers on an ongoing real-time basis as opposed to renewing an accreditation every three years. I think we would all appreciate the fact that three years is a very long period of time. If I commit a serious criminal offence the day after I get my accreditation and I work 48 weeks a year for the next three years and I am working a 10 to 12-hour shift, that is a lot of fares in that period of time; I will be engaging with a large proportion of the community, and they have a right to know whether I am a fit and proper person to be providing those services. Clearly if I am not, then I should not be on the road. I think we can try and use some of this data to ensure that there are higher levels of service improvement and that we are operating in a regulated environment that addresses the needs and the requirements and the expectations of consumers.

I think that now we are moving beyond that strictly regulated monopoly service provider, which was effectively the yellow cabs for many, many years, and we are moving towards effectively a deregulated market with a wide number of participants offering a wide number of services, we need to make sure there are minimum standards in place, that there is compliance with that and that people have got that real-time information available to them to make informed choices.

I would encourage members, if they have the capacity, to pick up a copy of *Nudge* by Thaler and Sunstein. It is a very good read, and I commend the bill to the house.

Mr T. BULL (Gippsland East) (15:22) — I also rise to make a contribution on the Commercial Passenger Vehicle Industry Amendment (Further Reforms) Bill 2017. As we have heard, this bill does establish a new framework for the regulation of the commercial passenger vehicle industry. It takes in such elements as new safety duties for industry participants, registration schemes for commercial passenger vehicles and booking service providers, and an accreditation scheme for drivers of commercial passenger vehicles. It also provides certain protections for consumers of commercial passenger vehicle services and for drivers who provide these services.

I want to focus my comments initially on the part of the bill that provides for consumer protections. The Commercial Passenger Vehicle Commission will have new responsibilities to monitor fares, including requirements to report annually on how fares are basically impacting or how they are changing. This monitoring task will include monitoring the impact of the per-trip levy on fares for commercial passenger vehicle services, including fares paid by regional communities and the disability sector.

This review and this monitoring is going to be critically important, in particular for the disability sector, because there is often a high reliance on taxis by people with disabilities or special needs. In some cases, particularly in country areas where we do not have an extensive public transport network, several trips per day are required. Any increase via a levy could possibly have quite a profound impact on those with disability, given that they are currently in many cases on individual support packages while some are transferring to the national disability insurance scheme. It is something that will certainly require monitoring. For this reason I am very keen to see this element monitored. This information will be used to inform whether any rebates are provided or to ensure what the minister described in the second-reading speech as the 'geographic equity' that these possible rebates or potential rebates may cover.

One area of concern I have is that we are saying we are going to put the levy in place and that it is going to be monitored and looked at. My view on this is that perhaps that should be looked at up-front because monitoring potential impacts is a little bit like shutting the gate after the horse has bolted. Yes, they will be addressed at some stage, but it is certainly a wait-and-see approach rather than, I guess, attacking the potential problem before it occurs.

This is particularly important, as I said, for those with disabilities. We have around Victoria at the moment the national disability insurance scheme (NDIS) currently being rolled out and I think it is probably fair to say that in the majority of cases those with disabilities are finding that they have a little bit more scope in their NDIS packages than they had in their individual support packages. But the reality of it is that the NDIS is still to be rolled out for well over another 12 months — in fact my electorate of Gippsland East is not being rolled out until early 2019 — so those people with disabilities will still be operating on their individual support packages. I can assure you that there is not a lot of fat or room to move in some of these individual support packages at the present time.

From time to time I have people in my office saying, ‘My son or daughter has to get to day care’ or ‘We have to pay for therapy’ or ‘We have to pay for respite and we haven’t got the money remaining in our individual support package to do so’. So adding an extra cost via the taxi levy for those people will just put a bit more additional pressure on people with those packages, and I would hope that it certainly does not impact on the ability of those with disabilities to receive the other supports they were receiving. Maybe that is something that can be looked at in the committee stage of this bill and something that the minister could consider addressing up-front, rather than monitoring after the event. This is particularly important, as I said, in an area such as mine because, although we have improving transport up there, it is in some cases best described as patchy and therefore there is a high reliance on taxis.

Another thing that is particularly important in many locations around rural and regional Victoria is that, like East Gippsland, some communities have high retirement populations and a number of our senior citizens who rely on taxis as their public transport, whether that be to get shopping or to get to appointments and the like, again are confronted in many cases with what you might call spasmodic public transport options. It remains to be seen what cost pressures will be put on our senior citizen fraternity as well.

It also remains to be seen if the per-trip levy being imposed will result in the country-based taxi businesses becoming tax collectors to subsidise city-based businesses. Why I say that is that when the \$2 a ride levy was proposed, one taxi operator from the country — and it was Lakes Entrance Taxi Service, if I am to be a bit more specific — suggested that based on their current usage they will have collected enough from their per-trip levy to pay for their payout, if you like, within six months. But the proposal was for the levy to be collected for over eight years. So if Lakes

Taxis collected the amount for their transition assistance package in six months they would for the next seven years be collecting this levy to subsidise city-based taxi businesses.

With the reduction in the levy to \$1, I can only assume that a company like Lakes Taxis will have collected what would be their transition package amount over 12 months rather than six, and still they are collecting for a further seven years. So we need to make sure that country operators are not just collecting the levy for metro-based businesses.

The bill includes amendments that clarify that the revenue from the levy needs to recover the total cost of the transition assistance package. Again it refers to that time period of eight years and the net cost of administration, enforcement and rebates provided, so I still think there is a real possibility that, whether it be East Gippsland, Bairnsdale, Lakes Entrance, Horsham, Hamilton, Mildura, Echuca or wherever around Victoria, those operators will be collecting a levy that will not be going back into their communities; it will in fact be going to metropolitan operators.

This poses the question that if the country operator has collected his share after a year to pay for his transition package payout, surely we should be looking at some process or some way that they can then be alleviated of the need to collect this levy on behalf of others. It just does not seem right or fair. It is an enormous amount of money that is coming out of rural and regional Victoria and going into the urban area. That is something that we do not want to see: that drain of funds out of rural and regional Victoria.

There are other questions that do need to be answered, including more detail around the disclosure of fares and also detail around the quoting of fares under the new deregulated arrangements and how they will operate. Then of course, as the shadow minister touched on in his contribution, there is the overarching issue of licence values being diminished and the question about what the outcomes of those will be for those who have invested heavily in the sector. The shadow minister gave a number of examples of people who will be detrimentally impacted by that. I conclude my contribution by stating that I look forward to seeing these matters raised in the committee stage of the bill.

Ms GREEN (Yan Yean) (15:32) — I am pleased to be joining the debate on the Commercial Passenger Vehicle Industry Amendment (Further Reforms) Bill 2017. Before going into my detailed comments about the bill I might just take up where the member for Gippsland East left off. He was quoting the member for

Croydon — the shadow minister and Deputy Leader of the Liberal Party— saying he could give numerous examples of people being worse off and how he was very concerned about this. It is just ‘Do as I say and not as I do’ with those opposite. It is like they think you get to a certain point in time, the slate is just completely blank, you start again and no-one is going to remember what you did on your watch and even what you said earlier in the current debate.

When the Liberals were in government, taxi licence values were cut in half from, over \$500 000 to around \$250 000. Not a cent of financial assistance was provided. I certainly do not recall the member for Croydon or any members of the National Party crying foul or saying anything about that. It is quite true that from the get-go the Liberals have supported ridesharing and the legalisation of Uber. They have supported the removal of existing taxi and hire car licences, but they have put forward amendments to remove the provisions to provide financial assistance.

I have a quote from earlier in this debate — not the debate in Parliament but the debate that has gone on for some time to regulate ridesharing and to make changes to the taxi industry — from *Neos Kosmos* on 27 August 2016:

Daniel Andrews is basically setting up a slush fund to buy the votes of the companies that hold these taxi plates ...

That is what the shadow minister thinks of financial assistance for these hardworking families that are getting financial support now that this industry is going through so much change. We have heard all that nonsense in the last hour when he was giving examples —

Mr Watt interjected.

The ACTING SPEAKER (Ms Thomson) — The member for Burwood!

Ms GREEN — of his concerns about families not being compensated, yet he was completely silent. I think the children in the gallery probably wish, like everyone else in this place, that the member for Burwood would be silent. On his epitaph it is going to say, ‘I came, I raised a point of order, I finished’. *Hansard* of 9 March 2017 shows that the member for Croydon said:

It is important for the house to note that process, because this groundbreaking report by Professor Allan Fels is called *Customers First: Service, Safety, Choice*. It put passengers first, as should be the case.

On 19 October 2017, which is quite recent — only last month — the Leader of the Opposition said on Facebook:

Taxi fare free-for-all.

That’s Daniel Andrews’s plan. He says passengers should haggle for the right fare, or shop around between cabs while waiting on busy streets.

This will inevitably result in cabbies refusing short trips or charging massive fares. And what about the elderly, frail, or disabled? Will they have to haggle too?

Then we have got David Davis, in the Legislative Council, who said on Facebook on 18 October 2017:

Daniel Andrews’s plan to completely deregulate taxi fares will leave many Victorians much worse off as they are refused short trips or forced to pay massive fares.

Victoria will face an Asian-style tuk tuk approach to taxi fares with haggling and negotiation and the frail and old at a sharp disadvantage.

Does Daniel Andrews seriously think it’s acceptable for an elderly person to be hailing taxis and then haggling with the driver in driving rain on a busy street?

On the one hand they are saying they are going to have an absolute free-for-all, and on the other hand they are trying to get people to believe that they actually give a damn about passengers, about ridesharers, about drivers in the industry and about licence plate holders and their families. Nothing could be further from the truth.

This bill is the next stage of the very necessary reforms — reforms that are not of the industry’s making and not necessarily of the government’s making. The introduction of ridesharing has changed the landscape for taxis and that type of transport forever. We saw the first tranche of changes take effect on 9 October. I have a local taxidriver in my neighbourhood, which is in my electorate, that I use regularly, and he is a much-trusted bloke. We have had a lot of conversations about his work and about his livelihood. He has what is known as a Green Top taxi, so he has only been able to drive at night.

Mr Singh is an absolutely, thoroughly decent, honest human being and one of the best taxidrivers I have ever known. He knows all his customers by name. He is known all around the neighbourhood, and importantly parents really trust him with their kids. When you live in the outer suburbs, it is fine if you are going into the city and getting home on a Friday or Saturday night, because we have rail services that operate all night, but what do you do to get from the station or to get from within some of the properties that are out of Diamond Creek in the high Nillumbik hinterland and not a walkable distance to the station? Places like Whittlesea

do not have a train station, and their last bus is at around 9.30 p.m., so you entrust your kids and your loved ones to a fabulous taxidriver like Mr Singh.

These changes, which took effect last month, and broader changes will mean that Mr Singh can actually drive during the day. He can work as long as he wants, evening and night, and will be able to support his many loyal followers. I have reassured him that I have never booked or paid for an Uber. I said that I was going to stick with supporting the existing industry until we had a proper set of changes. I think he is really happy with these changes.

The removal of licensing costs of up to \$23 000 per year and increased competition will reduce fares for all Victorians. We will have this new flexible fare system for commercial passenger vehicle service networks to set their own prices. Consumer protections will be strengthened by requiring all service providers to provide passengers with a fixed fare or estimate before the trip begins. When there has been an increase in demand we have seen huge price gouging by that well-known rideshare operator Uber. I have also known some Uber drivers who have had some really dangerous things happen to them when they have had accidents or been attacked. We have got to have support for all drivers, whether they have existing cab licences or are engaged in ridesharing.

In short, we do care about this industry and about having it grow and be flexible to reflect the needs of all sorts of communities in all different settings. Rural and regional outer suburban areas that are often transport-poor will really benefit from this, and I know that drivers like Mr Singh in Diamond Creek will be an active and forward part of this. I hope that the community has seen through the lies of those opposite, who never had the courage to actually provide any compensation or support for this industry during its transition and flip-flopped all over the place. I would rather be on the side of the house with a government who can be trusted with this industry. I commend the bill to the house.

Mr WATT (Burwood) (15:42) — I rise to speak on the Commercial Passenger Vehicle Industry Amendment (Further Reforms) Bill 2017. In starting my contribution, firstly, I would like to set context. I know the member for Yan Yean talked about what has happened in the past and how we got to this point, so I would like to spend a little bit of time talking about how we got to this point and talking about some of the contributions that people have made in relation to the deregulation of the taxi industry, which has brought about this particular bill.

I want to refer to a *Hansard* excerpt from a contribution made by a member of Parliament in this house on 27 March 2014. I will skip forward a couple of pages, because otherwise I would spend all my time quoting this particular member of Parliament. In his contribution he said:

... we still have serious concerns in relation to the way this government has gone about dealing with taxi reform, and we have serious concerns that small business operators have in effect had assets appropriated without their having received proper payment for the value they have put into those assets. There are many licensed taxi operators in my area and they are bleeding.

I just need to cross my arms here. The member continued:

They are people who have bought licences for \$520 000, and they are suffering, with the banks literally putting a noose around their necks. There is a large Sikh community in my electorate with substantial investments in taxi operations, and they are screaming blue murder, to put it mildly. They are furious that this government will not pay proper compensation.

I will go a little bit further down, noting that the member for Yan Yean in her contribution said, 'Do as I say, not as I do'. That is why I am continuing to set the context. This particular member of Parliament went on to say:

No, the government will not pay compensation but it is driving the price down by releasing further licences. That is a full-frontal attack on taxi operators. That is what this government is doing. Every time there is another reform it is a kick in the head for taxi operators. It is very much about knocking them down, driving the value of their investment down until it is worth nothing and then somehow or other saying, 'We did not compulsorily acquire your licence because we did not have to do it under compulsory acquisition legislation or anything like that. We have just released more licences and ruined your life'. That is what has happened here.

I find it very interesting that the member for Narre Warren North said this three and a half years ago but does not seem to think that cancelling people's licences and leaving them with huge debts is not in opposition to what he said three and a half years ago.

I have received correspondence from people in my electorate and others. There is a particular gentleman who corresponded with me who said that he had a \$262 000 loan from a bank, and it was outstanding as a debt on his taxi licence. What this government is doing is giving him \$100 000 — but that is not compensation, because they do not pay compensation. It is a transition assistance payment. In some people's minds it might be a transition-to-bankruptcy payment. But there is a transition payment of \$100 000, and that is all good and well. There is \$100 000 as a transition payment, and he is \$262 000 in debt, so all he is left

with is \$162 000 of debt. No problem. This nice Sikh gentleman that contacted me is only \$162 000 in debt. The government says, 'No problem, this is what we'll do: clearly with \$162 000 of debt, you are suffering hardship, so now we have this Fairness Fund'. Others would like to call it the Unfairness Fund, but nonetheless we have this Fairness Fund. This Fairness Fund has allocated him \$50 000.

So when the member for Narre Warren North three and a half years ago talked about compulsory acquisition legislation, he was saying, 'We do not compulsorily acquire your licence because we do not have to'. That was his attitude three and a half years ago, and it shows, because now what we have is a gentleman who is \$112 000 in debt with no asset and no ability to pay off his debt. Here is this gentleman who is \$112 000 in debt.

I spoke to a gentleman only two weeks ago who was living in a factory because he had to sell his house. Well, actually the bank came and took his house because of the debt on his asset, which is not an asset because the government is now saying after three and a half years, 'Actually, no, it's not an asset. We said it was an asset three and a half years ago when we were in opposition, but now we are in government, actually, no, we don't want to give you what it's worth. No, it's not really an asset; it's just a licence, but don't worry about that. Look over here'. The member for Narre Warren North said this very thing three and a half years ago about payments for licences, and now the government is saying, 'Here, take a pittance when you are \$112 000 in debt'.

I have a young constituent in my electorate who a couple of years ago wanted to drive hire cars and drive people around for a living. He saw that Uber was around. He contacted the appropriate authority and said, 'I want to drive cars. Am I allowed to drive with Uber?', and he was told, 'No, you cannot drive with Uber, because we are driving Uber out of business'. The Taxi Services Commission said, 'No, you cannot drive with Uber because that is illegal'. So the man goes and gets himself a licence. He pays \$40 000 for a licence, and the government only a couple of months later said, 'Actually, no, we're not driving Uber out of business; we're going to drive you out of business'.

The government set up the Fairness Fund — and I talked about the Fairness Fund earlier — but the problem with the Fairness Fund is that not only is it not fair but the big problem with the Fairness Fund is that it has not actually paid my constituents any money at all. I have a constituent who paid \$40 000 for a licence and has received a \$25 000 transition payment, even though, at the briefing I went to, the Minister for Public

Transport's staff told me it would be a \$40 000 payment, very clearly. I very clearly said, 'But you have been saying \$25 000', and I was told at the time of the briefing, 'No, no, they are selling for \$40 000, so clearly we're going to pay \$40 000 in compensation'. Well, that was a lie. Sorry, that was not true, because it is only \$25 000 now.

But then there is this Fairness Fund idea. When you have got this Fairness Fund you say, 'Put in your application on a certain date', and people do apply at that date and then the interview is months after that date. Then you contact them again and they say, 'Actually we need more information. Can I please have your current circumstances and your current bank account details? How much do you currently have in your bank account?'. Keep in mind that that includes the pittance of \$25 000 that you received for your taxi licence or your hire car licence, so now we are going to include that when we actually determine whether or not you need the Fairness Fund. Why do we need to know what my constituent has in his bank account now, when the Fairness Fund was supposed to be judged months ago?

As I said, the Fairness Fund is not fair. It is not a fair process. What the government are doing here is not fair at all, and what the government are doing here is a complete backflip on what they have said previously. Here is an interesting one. I am looking through an excerpt from a speech by the member for Narre Warren North only some three and a half years ago. He said:

You cannot have self-regulation when you have price notification.

There is no self-regulation.

Here we go:

The Treasurer is a little upset because supposedly he represents small business and the like, but he is party to the full frontal ... attack ...

What else does he say here? He quotes the then Minister for Public Transport as saying:

The government is not acquiring taxi licences as a result of the taxi industry inquiry and ... no compensation is payable.

These are the types of weasel words that he uses these days:

Unfortunately, this government continues to talk about hardship provisions.

I love this. Keep in mind that we are not talking about the current government, even though if you take the words, you could probably think that we are talking about the current government. The member for Narre Warren North would be right if he wanted to talk about

the current government in the same light. The member continues:

The problem with this government is that it cannot work out where it actually sits. Is it a supporter of small business or is it a destroyer of small business?

Well, that does not apply to this government because clearly this government is a destroyer of small business.

The member for Narre Warren North previously in a contribution talked about taxi licence holders coming back to bite them on the backside. Well, the chickens have come home to roost; taxi licence holders are going to come back and bite you on your own backside. The member for Narre Warren North should hang his head in shame, just like every member of the government should hang their head in shame. There is no fairness in what is being done here. There is no fairness in what has been done here. This government is a disgrace, the actions they have taken are a disgrace and they should hang their heads in shame.

Mr DONNELLAN (Minister for Roads and Road Safety) (15:52) — These are the rantings and ravings of the member for Burwood. Facts are not really the best friends of the member for Burwood, because the offering which was offered by the previous government was simply zippo, nothing, absolutely nothing. The previous government sat still while Uber ran rampant over all the taxidriviers and operators. And what happened? They stood still. Did they get to the —

Mr Gidley interjected.

The ACTING SPEAKER (Ms Thomson) — The member for Mount Waverley is not in his spot.

Mr DONNELLAN — I obviously cannot hear over the top of my own voice. Let us be very clear: the last government actually sat still while Uber was quietly but surely rampaging through the countryside. They failed to bring into this house any legislation to manage what was going on. Further, they quietly but surely watched while business opportunities were taken away from existing licence-holders and sat still and continued to sit still. When they were finally returned to opposition, you suddenly saw the Leader of the Opposition hopping in a taxi saying, 'I support it'. In other words, what the previous government did while they were in was promise nothing — absolutely nothing. They actually sat still. So for the member for Burwood to suggest that my statements were in any way contrary to what we have undertaken is an absolute load of rubbish.

To date we have paid out \$350 million, which is \$350 million more than was ever offered by the Liberal

Party and Denis Napthine and his government. We remember Denis Napthine and his government. They were very good at running ads about a transport plan they had which did not have any transport infrastructure associated with it. I think they spent \$20 million on a transport ad that was about something they might have done in the next 10 years, but they never got around to doing anything — the greatest fraud I have ever seen. They could have actually offered that to the taxidriviers instead of pretending somehow or other to have a transport plan, because a transport plan would have meant dealing with the issue head-on and actually offering compensation.

Honourable members interjecting.

The ACTING SPEAKER (Ms Thomson) — The member for Macedon! The member for Gippsland East!

Mr DONNELLAN — They simply stood still. At the end of the day all they did was largely sit still like a statue, watch the world go by, fail to act on it and accuse everybody else of getting it wrong. And now we have this goose, the member for Burwood, coming into the house deciding he has forgotten his previous history and wanting to rewrite it here, and he wants to rewrite it with my words. Well, go jump in a lake, quite honestly. I stand by my words, very much so.

We are offering compensation and we have done so, and it is certainly so much better than the zippo compensation the previous lot offered. They stood still. They can come into this house and rant and rave as much as they like, a bit like the Kenny Rogers of state Parliament, which is the member for Burwood. He is looking a bit like Kenny Rogers now with that beard. But at the end of the day the important thing is that we look at the truth and we look at the facts. At the end of the day they failed comprehensively to do anything.

The current Minister for Public Transport has done a mighty job of securing funds through the Treasurer — and that is always hard, as we know — to actually get that \$350 million-plus, whether it be for the Fairness Fund or to pay out the taxi licences. The minister has done a very good job. It was a very difficult and complex issue, which we had to sort out because the last lot sat on their bums, did nothing quite literally and just watched the world go by. Before you knew it, we had a crisis in the industry and we had to come in and sort it out, and that is what we have done.

So I stand by my words. I am very comfortable with what I have said, and I encourage the member for Burwood to do a little bit of reading, less ranting and

raving, and actually look at the old facts. Maybe even read the old Liberal Party transport plan or the coalition transport plan. There might even be some ideas there of what they might be able to do sometime in the future. They certainly did nothing last time around, so things can only get better.

Motion agreed to.

Read second time.

Consideration in detail

Clauses 1 to 4 agreed to.

Clause 5

Mr T. BULL (Gippsland East) (15:58) — I wish to refer to the component of clause 5 that relates to the protections for consumers of commercial passenger vehicle services, and my question, as I raised in my contribution on this bill, relates to people who, as the minister would be well aware, are going through the transition to the national disability insurance scheme (NDIS). We have a number of people, particularly in areas in rural and regional Victoria, who have not transitioned yet. They are still on individual support packages. As I am sure you would know, Minister, in your electorate as in my electorate we constantly have representations from families and individuals who are saying that they have not got a lot of fat left in their individual support packages to be able to deal with all the various needs that may range from day care to respite to transport issues.

Minister, I am aware that you are putting in place a process that will monitor the impacts of that, but there are people who are already stretched in relation to paying for the services that they require out of their individual support packages, and I ask: why are we just going to monitor that? We already know that they are very tight financially. Why are we not offering any support for people in the disability sector up-front? Although these levies are only \$1 per trip, we often have people with special needs doing several trips per day, so I ask: why are we not addressing that in the first instance and why are we just monitoring it?

Ms ALLAN (Minister for Public Transport) (16:00) — The member for Gippsland East discusses the interface between these reforms to the commercial passenger vehicle industry and the rollout of the national disability insurance scheme. That is a very complex interface, and there are arrangements that are continuing to be finalised. As the member indicated, the NDIS is yet to fully roll out, particularly across regional Victoria. It is a staged rollout, and we are continuing to have

discussions with the federal government, as I believe many states are, as to how transport support for people with a disability is to be provided as part of that scheme. This is not a situation that is unique to Victoria. It is something that a number of states are talking to the national disability insurance scheme about.

What I do want to point out to the member, though, is that his question was around why we are just monitoring these arrangements. People who are currently in receipt of the multipurpose taxi program (MPTP) will continue to be in receipt of the multipurpose taxi program, and as a result of these changes people with an MPTP card can choose whether they use a taxi, a hire car or a ridesharing service, so we are giving those people more choice as to which provider they want to receive a service from.

Part of these reforms and part of the challenge in talking about this in the Parliament in a legislative sense is that some of these changes go beyond what is in the legislation — they are non-legislative policy responses — and we absolutely want to see an improvement, particularly in the servicing of wheelchair accessible taxis and associated services. As part of the transition phase over the past few months, we have increased the lifting fee for wheelchair accessible taxis to \$20 per trip. We are providing support, particularly in regional areas, for providers to get cars out on the road. What we have seen is that since the start of October, when the new licence arrangements were in place, 37 new wheelchair accessible taxi licences have been issued by what is currently known as the Taxi Services Commission. Of course, should the bill go through the Parliament, that will become the Commercial Passenger Vehicle Commission.

I am very committed — deeply committed — to providing support for people with a disability and mobility challenge. I should have also mentioned that, as part of the changes to the first legislation that went through the Parliament, we have put in place a dedicated disability services commissioner, who will sit on what will become the newly named Commercial Passenger Vehicle Commission.

We are also doing a significant amount of policy work with community service providers about how they can also have the potential to become a registered commercial passenger vehicle provider and therefore provide additional services to people with a disability in their community. For example, if you are a community-based organisation that provides disability services, you already have a vehicle as part of your service offering. It might be a minibus; it might be modified vehicles for people with a disability to easily

access. There is no reason why those providers cannot use those vehicles — go through the accreditation process and put those vehicles out on the road — to provide a service to people in the community. Indeed, I have had many conversations with service providers. I have had conversations in my own community about how we can use this legislative framework to encourage those community service providers to look at this as another service offering that they can provide to the people they work with, whether they are on the NDIS or not.

We are continuing to do this work. As I said, there is a complex interface with the national disability insurance scheme. But what we are not losing sight of, as part of this work or that conversation with the federal scheme, is that we need to ensure that everything we are doing is improving services for people with a disability, because we know right now they are not being as well serviced as they deserve to be under the current arrangements.

Mr T. BULL — Just to follow up on that clause with the minister, who referred to wheelchair accessible taxis — and we know that a lot of people with disabilities do not need access to wheelchair accessible taxis — with the monitoring that is going to go on for potential impacts for people with special needs that she referred to, what I am interested in is: given that it would not be extreme to say that there may be increases of \$20 to \$25 a week for people with special needs who will be paying this levy, that equates to about \$1000 a year. Minister, if you are going to monitor this and if problems are identified in relation to cost — so the monitoring is done and, yes, it is having a detrimental impact — is there anything in place or do you have any schemes proposed that will offset these costs so that these people with special needs are not left out of pocket?

Ms ALLAN — In answering the member for Gippsland East's line of questioning, he started off with a scaremongering approach, which does nothing to advance this debate. It is extreme to say that people are facing that increased level of cost, because it makes a significant assumption about the sorts of services that are going to be provided in this area into the future. There have already been industry participants on the record indicating that with more service provision — with more service providers out on the road — there is the potential and the expectation that fares can go down.

This is a debate that we had as part of the first tranche of legislation. It is not particularly relevant to this tranche of legislation, but I am very happy to talk about it. There is a level of scaremongering going on.

The member for Gippsland East talked about the fact that he and I represent regional Victoria. That is true, we do — and indeed you do too, Deputy Speaker — but there is a great difference between the community he represents and the community I represent. His community has had deregulated fares for a number of years. The fare deregulation that we are proposing under this legislation is something that has been in place in rural areas of Victoria — in places like Shepparton and in places like the member for Gippsland East's own community — for a number of years because it was part of the legislation that was introduced when the member for Gippsland East sat at the cabinet table under the former government. We are simply extending that approach to the urban and metropolitan areas. Over that period of time in those country and rural areas the concerns that the member is now raising have not been realised. It would be interesting to know if the member of Gippsland East raised these concerns when he was a member of cabinet, sitting here in the Parliament. What we are doing is simply extending that approach to the urban and metropolitan area.

Mr HODGETT (Croydon) (16:08) — As a follow-up, Minister, we understand what the bill is trying to achieve. In the second-reading speech, under the heading 'Better services', it states that:

The bill creates a level playing field for taxis to compete with hire car and rideshare services, and encourage new operators to enter the market, thereby boosting competition, choice and the quality of services. The benefits of this change to the travelling public, including persons with disabilities, are significant.

I would be the first to admit that under the current system there have been some horror stories of people with disabilities and the way they have been treated while trying to get access. Our concern on this side is that given you said in the second-reading speech, 'To ensure that benefits of reform do flow through to persons with disabilities', and noting that you are appointing a new commissioner who will oversee that, we are interested in your thoughts on how that might operate or how we can give some sort of confidence to people with mobility impairment as to exactly how those benefits are going to flow through to them so that they will get at least an equal or hopefully better service than they get in the current system. With respect, I note that this legislation is designed to boost competition, choice and quality of service, but we are interested in how that can be done so we can go to those people who have raised these concerns with us and report it back to them.

Ms ALLAN — I appreciate that the member for Croydon was late joining us in the chamber and much

of what he raised is what I have just addressed in response to the issues raised by the member for Gippsland East, but we have put in place a number of additional mechanisms — and many of them sit outside of the legislative framework — to ensure that we are providing extra and additional supports for people with a disability. I have mentioned the disability commissioner. That was a legislative change; it was part of the first tranche of legislation. We have increased the wheelchair lifting fee to \$20 a trip to provide an additional incentive for these services to be provided. The annual licence fee for a licence to provide a wheelchair accessible taxi was around \$19 000 a year. That has been abolished, removing a significant barrier for entry to the market for people who want to provide those services. We are also setting aside \$25 million as an investment fund to encourage providers to put on more accessible services.

We already know from the changes that we are making that there are people who are coming into the market. I mentioned earlier that 37 new wheelchair accessible licences have been issued since the start of October. We also know that other providers are interested in providing these services. We have a suite of incentives that are about providing increased support to people with disability, which is over and above the legislative framework that we are proposing through this legislation and the previous legislation and which is about reducing barriers to entry.

Disability service providers will now not have to pay a \$19 000 fee to get their wheelchair accessible vehicle out on the road. They can pay just over \$52 and then get out on the road after they have gone through the appropriate accreditation services. They can add that to their service offering for people with a disability, and I think this has a great potential to increase services. Whether you are in the smallest of rural communities, the outer suburban fringe, metropolitan Melbourne or a regional centre, there are service providers who are right now looking at providing this service in addition to the suite of disability supports that they already provide to people with a disability.

We also know that more vehicles on the road will provide a disincentive to taking advantage of people through the fare structures. In terms of the question of who is the watchdog on all this, that is exactly why we have put in place through this legislation the additional consumer protections that we are putting in place. We will have a dedicated disability commissioner. We will be looking to finalise that appointment in coming weeks. Their sole job is to monitor and report on this area. We will be watching this area very carefully

because we want to improve the services from what they are at the moment.

Mr T. BULL (*By leave*) — My issue here — and I am just after an explanation — relates to the clause in the bill that refers to recovering the cost of the transitional assistance. My question is one that I have raised previously in this place. A scenario was put forward by Lakes Entrance Taxi Service. It has since changed hands, but the scenario that the previous owners put forward when a \$2 levy was mooted was that they could have collected the amount that they were to be paid under the transitional assistance package within six months, but at that time the levy collection period was to be over eight and a half years.

The owners of Lakes taxis at the time put the case, ‘I will have collected enough to pay for my own transitional assistance package within six months. Am I then collecting to pay out metropolitan-based taxi services over the ensuing period?’. I think it was mooted at eight and a half years at the time. I think that has probably been altered to when the full amount is collected. But for rural and regional taxi operators I guess my question is: are they still faced with the situation that they will be collecting the levy and that money will be disappearing out of rural and regional Victoria and going into the compensation packages of metropolitan licence-holders?

Ms ALLAN — One of the challenges in answering this question is that this was all part of the first bill that went through the Parliament a few months ago. I had all my facts and figures then. I do not have them in front of me right now, but I will do my very best to draw on the depths of my memory on those figures.

Firstly, the member is incorrect. Yes, initially there was a contemplation that the transitional support arrangements would be paid out over a longer period of time, but from when we announced our proposed reforms in August 2016 to when the bill came into the Parliament we listened carefully to the people who were impacted by these changes, and as part of the changed arrangements we have seen the transition money being paid out effectively up-front. Once the first bill went through the Parliament and the mechanism for setting the levy was established we were able to move on paying out that transitional support, and that transitional support that has been paid out is now in the vicinity of \$350 million.

Included in that transitional support are people from country and regional areas who held licences. They have received transitional support, which all licence-holders have received. They may have also

received support from the Fairness Fund, if they made an application and were deemed eligible as part of that process. So, yes, there is a link between the collection of the levy and the transitional support that is being paid out to all licence-holders. We have been very transparent about that from the outset, and through the legislative process with the first bill there is a mechanism now that includes the oversight of the essential services commissioner as to the amount that the levy is set at and how much is paid on an annual basis against the transition payments and the support that is paid out.

The nexus that the member was drawing between licence-holders in the rural areas collecting the levy but not seeing support is not correct. They are getting support.

Mr T. Bull interjected.

Ms ALLAN — This again is part of the first piece of legislation that we put to the Parliament. The member is also forgetting, perhaps, or not remembering —

Mr T. Bull interjected.

Ms ALLAN — No, I am getting to it, because this all goes back to the first bill. Part of abolishing the licence structures that we have had in the past was removing the significant financial barriers to entry that licence-holders had to pay. Country licence-holders had to pay annually, I think — I will get confirmation — but they had to pay \$3400 for a country licence and \$11 000 for a regional licence. Those costs do not exist anymore.

Mr T. Bull interjected.

Ms ALLAN — Those costs do not exist anymore. Existing licence-holders have received transitional support. Existing licence-holders do not have to pay those thousands of dollars, and they can continue to operate provided they sign up to a flat \$52 licence fee. Yes, as part of these arrangements they are collecting a levy. If you are a regional licence-holder, you would have to do 11 000 trips, which is vastly more than most regional operators do, before you are getting ahead of where you were with your licence charge. So I think the member is wrong.

It is annual; we have had that confirmed. It was \$11 000 annually that a regional licence-holder had to pay. For a country licence-holder it was \$3400. We have taken that annual cost away from those licence-holders. We have provided them with transitional support. They can keep their cars out on the

road with a \$52 licence fee. As part of this arrangement, yes, we are seeing the collection of a levy to provide fair support for the industry. As I said, we had this long-ranging debate as part of the first tranche of legislation, but I am very happy to go back over that issue as much as the member needs.

Clause agreed to; clauses 6 to 17 agreed to.

Clause 18

Mr HODGETT — I am trying to decide where best to raise a couple of these matters, but in the interests of the minister it might be better just to raise some of them. I was looking for the section on passenger vehicle safety and safety matters. As I said, the bill deals with a lot of the practical issues around safety. Of particular interest or matters that have been raised with me are in relation to matters of safety and duty holders. In your second-reading speech there is mention that:

Each participant in the commercial passenger vehicle industry will be held to account for the safety of passengers ... The industry regulator also will continue to conduct weekly criminal background checks on all drivers of commercial passenger vehicles.

In my contribution I made the point that critics of ridesharing were very keen that they should have to comply with everything that taxis currently have to comply with, whether that be 0.05 laws, criminal checks, background checks and all those sorts of things, which this bill addresses and which is terrific. I think that will be welcomed by the industry.

Where the speech says ‘continue to conduct weekly criminal background checks on all drivers’, will that be any different to what it is now or more thorough or frequent or in-depth checks? Some of the concerns raised with us are that people might have a clean bill of health today, but if they are not checked again for 6, 12, 18 months, 5 years or whatever they could have committed some sort of crime. So we are wondering how frequent these checks will be as opposed to how they were conducted in the past. Also there have been questions raised about how they are costed or paid for. Is there any requirement on the person to get their police checks and send them in? Is that how the process operates?

Of course the other end of the process is actually dealing with people when it is discovered that somebody who does have a licence or accreditation to drive and has a criminal background or has committed a crime after they are accredited. How does that process operate in terms of getting them off the road as quickly as possible for the protection of passengers and the industry?

Ms ALLAN — In terms of those issues around safety, I can certainly appreciate why this is an area that the member wants to explore, because it is important. It is important that we ensure through these legislative changes that, where we can, we improve the safety for both drivers and passengers. I think it is important that those protections are in place for all participants in and users of the service. I want to assure the member, in terms of what he outlined on the process for safety checks, that the weekly safety checks will continue to be in place.

What has changed, what is different, under this approach is that for the first time we are bringing the ridesharing services into this safety regime. Of course without putting in place an approach that brought them into the regulatory framework, they sat outside it, and there were not those protections that could be afforded for both drivers and passengers, when they sat outside the framework. They will be brought in to have the same safety requirements as taxis, so those checks that the member referred to will continue. They are largely the same. I have been advised that there are some minor updates to the offences that are in line with other amendments that have been made to other legislation since the regulations were set some time ago. So the act will just reflect other legislative changes, mostly in the justice portfolio.

The member asked about the case of drivers who post-accreditation have committed an offence. I am advised that if they commit a category 1 offence, they will be taken off the road immediately. If it is a lower-level offence, they will be asked to show cause as to why they should continue to be allowed to provide the service.

Mr HODGETT — Minister, in relation to duty holders, I was asked about it, and I was not sure of the exact answer. The bill talks about requiring duty holders to ensure safety as far as is reasonably practicable. Your second-reading speech states that:

The new safety duties framework means that the industry will need to take action to identify risk and hazards and eliminate or reduce any risks to safety in the provision of commercial passenger vehicle services.

Again, that raised not necessarily concerns but questions of what that means for the duty holder. What action is required by them to identify risk and hazards? Because they clearly will want to do the right thing. They want to operate in a regulated framework and do the right thing and not be caught out for not meeting their duties or responsibilities. I guess it is clarification on what are the duty holder's responsibilities? When you say 'take action to identify risk and hazards and eliminate or reduce'

them, is there an example of that? It is clearly a very basic sort of thing, and therefore they do not have to be overly concerned that they have a renewed duty and are going to end up in jail if they breach that. Is it just more of a sort of common-sense approach — that if they see or are aware of people in the ridesharing industry who are not complying with what would be expected by the reasonable person that they should be identifying those risks and rectifying those?

Ms ALLAN — I am advised that this part of the bill is about placing the responsibility where it should sit, with the network service provider or the booking provider, in terms of their accountability for the services they are putting out on the road and for the drivers they are employing as part of that service. This is giving the capacity for what will become known as the commercial passenger vehicle commission to have powers similar to those under occupational health and safety requirements, to be able to take any issues or concerns up directly to the commercial passenger vehicle commission through the network service provider.

Clause agreed to; clauses 19 to 22 agreed to.

Schedule 1

Mr HODGETT — I appreciate the minister's goodwill and flexibility in the consideration-in-detail stage. Minister, there are a couple of other areas I want to explore, and it might be best in terms of the schedule to raise these here. I appreciate that we touched on this in the bill briefing and the officers were very helpful there, but since then a couple of people have asked for further clarification around the issue of cheaper fares where the bill provides the industry with the flexibility to set their own fares for services. We understand that via the Essential Services Commission they set their fares now and that the bill provides for industry to set their own fares. Again, I guess we are interested in your thoughts on exactly how that might operate on the ground, to reassure people that this is not just a fully deregulated market where people can just set their own fares and you jump into a taxi or a rideshare vehicle and do not know what you will be paying.

We understand, and actually agree with, the idea of cheaper fares and being able to set your own fares and the direction you wish to take with that and we are supportive of that, but we are more interested in how that might operate on the ground to give the consumer or the user some confidence about what they might be paying compared to what they might be paying now.

Ms ALLAN — Given this bill puts in place the deregulated arrangement for fares, it is again no

surprise that this issue of fares is an area of interest to the member for Croydon. I will repeat something I mentioned earlier when I was dealing with a matter that the member for Gippsland East raised. Flexible fares, if you like — this deregulated fare approach — have existed in the regional and country zones of Victoria since 2014, so taxi operators in places like Shepparton, Wodonga, Warrnambool and Traralgon have been able to set their own fares since that period of time. These changes in the legislation expand this flexible fare approach to the metropolitan and urban areas.

I do not think I need to put a big red spotlight on the fact that 2014 was when the former government were in office and introduced changes to the taxi industry. What we have seen since the government announced this approach is that many taxi companies have indicated that they will use this approach to offer fixed-fare prices, particularly to popular destinations such as the airport. Again this goes to a broader point: it is difficult to see this or to just judge this in isolation from the rest of the framework that has been put in place. By levelling the playing field, by reducing barriers to entry and by getting more vehicles out on the road, we will see more competition for service delivery and we will drive down prices.

Before I go on to consumer protections I do want to point out to the member that those providers who are offering a rank and hail service, so not a prebooked service, will still be required to have a meter up and running, and there is a requirement for the passenger to be provided with an up-front fare estimate. That is seeing that for rank and hail passengers there will be at least as much fare certainty as what currently exists.

But I am clearly mindful of the need to have in place strong protections for passengers under this new arrangement — when I say new arrangement, it is an arrangement that has been in place since 2014, as I said, in the regional and country zones, but we are extending it into the urban and metropolitan areas under these arrangements. What we are seeing as part of the strengthening of consumer protections above what already exists at the moment under the current arrangements is that we will be requiring all service providers to provide passengers with a fixed-fare cost or estimate before the trip begins. So a passenger will be able to have an estimate of the cost of the service before they take off.

What we are putting in on top of that is that there will be penalties for the driver and there will be penalties for the network service provider — the booking provider — if they breach these requirements. If they are a repeat offender, they can face losing their

accreditation. There can be no greater penalty than kicking the provider off the road and taking away the capacity of the driver to drive a car. That is the toughest of penalties that is in place if they breach these consumer protection requirements.

Mr HODGETT — Minister, just a follow-up around the transparency of fare for services and consumer protections, you gave an undertaking that the government will consult with the industry and the community before any regulations are made. Can you perhaps just outline, for our benefit, the consultation process time line for it so that we can give industry an indication of when that will be done before these changes are implemented?

Ms ALLAN — The time lines are in the hands of the Parliament. If this legislation is successful in passing through this place and the upper house — and it is always my wish to see legislation go through the Parliament as quickly as possible — then we can get the arrangements in place to undertake the standard regulatory impact statement process, get that underway and sort through the regulations and the appropriate consultation, particularly with industry.

Mr HODGETT (*By leave*) — Minister —

Ms Allan — I reckon this is almost the last time, Deputy Speaker.

Mr HODGETT — I forgot to unleash Watty; I think he has got a question.

Ms Allan — You are not getting leave.

Mr HODGETT — I do appreciate that I did come in as the consideration in detail had commenced, and I caught your answers to the member for Gippsland East in relation to his questions around disabilities. Just as a follow-up to that, in your second-reading speech you touched on the dollar levy and said:

However, the reduction in licensing costs may not completely offset levy costs in the country zone. For this reason, the government has undertaken to provide rebates to address any circumstances ...

From my recollection — it does seem a long time ago — there were some undertakings given to some of the members in the upper house who supported the bill that you would review and have a look at that. Again I am just seeking your advice or information or whatever you can provide to us in terms of what that might look like or what that might be in terms of country zones and any rebates or what your thinking might be in terms of any changes that might be flagged there — if you can. If you cannot, I fully appreciate that. Could you provide

what your thinking might be there in terms of what might happen more broadly in the country areas, not just the issue that the member for Gippsland East talked about in terms of disabilities?

It was around this issue — you may recall, and the member for Gippsland East raised it — whereby Uber or ridesharing, Uber in general, may not already be in existence in country areas but they were still collecting the levy. We understand that. We do not necessarily want to go back and revisit that now, but I think there was an undertaking given by yourself to supporters of the bill through the upper house that you would go back and have a look at that and review that, and I guess I am seeking your thoughts about where that might be headed or what we can go back and say to country providers in relation to that matter.

Ms ALLAN — To demonstrate that I was keeping a close eye on what the member for Croydon was saying in his second-reading debate contribution, I anticipated he may want to raise this in the consideration-in-detail stage. I have some advice here that I am happy to provide to the house in response to this issue.

He rightly identifies that through the process of getting the first tranche of legislation passed through the Parliament there was a commitment made to have a look at the issue of how there could be a rebate applied to commercial passenger vehicle services in particular geographic areas. The primary issue was regional and country zones.

It is intended that rebates would be applied to those transactions at the start and finish in these areas. The level of the rebate will be determined by the government, depending on future changes to the levy amount that may be recommended by the ESC. This links back to that other requirement that came through the amendments in the upper house, where the levy was brought back to a dollar, but with the capacity of the ESC to monitor annually the amount of the levy that is collected and how that lines up with that transition payment support that has already been provided.

With this amendment in this act, it authorises information sharing between the State Revenue Office (SRO), because it is the State Revenue Office that is going to collect the information on the number of trips undertaken in each of these zones, and it is the Commercial Passenger Vehicle Commission that will be responsible for administering the rebate scheme. So that information will be collected by the SRO and shared with the Commercial Passenger Vehicle Commission, and the arrangements will be taken from there.

Mr WATT (Burwood) (16:41) — Schedule 1 talks a bit about definitions, including that ‘Commercial Passenger Vehicle Commission’ means the body corporate established by section 115B of the Transport Integration Act 2010. I have a question around specifically when a taxi company becomes a booking service provider. Talking about definitions, what is the difference between someone who drives a taxi and someone who then gives out extra work? Can I, as a driver, give another person a ride? Do I then become a booking service provider, or am I just someone who has extra work? Am I allowed to give out that extra work?

Ms ALLAN — I am not sure if the member for Burwood has given us a glimpse into what his post-political life might look like in terms of the career option he is exploring. This does go back a little bit to the first tranche of legislation, but again I am happy to talk about it. Effectively there will not be a taxi, hire car or ridesharing service; there will be a commercial passenger vehicle service. It is a long title, but that is what it will be. To become a commercial passenger vehicle service provider, whether you are one person or you are one person who operates a fleet of vehicles and therefore has a range of drivers that you work with, you have to register as an accredited commercial passenger vehicle provider. That ensures that there is an accountability that will rest with you. Whether you are a sole trader or you have multiple services that you are putting out onto the road, there will be the same level of accreditation and requirements that sit over you. There is the low-cost fee to enter this new arrangement, the \$52 licence to enter the market. Provided you meet all the relevant safety and driver accreditations and the like, you can get out there and provide those services as you desire to.

Mr THOMPSON (Sandringham) (16:43) — We are on schedule 1, ‘Consequential amendments’. I am interested in the reference to the Bus Safety Act 2009. When a number of amendments were introduced into the house back in the early 1980s regarding purported no compensation for operators, there was reference made to the bus industry and no compensation in the case of certain routes. In that particular bill there was no reference to the circumstances of taxidriviers and the taxi driving industry. My concern is the interests and rights of the taxidriviers regarding their interest in their livelihood. I just wanted to ask the minister whether there may be scope for further equitable compensation for taxidriviers, noting the massive impact upon their loss of livelihood and their expected return under the licence.

I note the consequential amendments, but there was this issue where reference was made in the earlier legislation to buses and what would happen if there was a change or

cancellation of routes and change of licences. That was given as the example of where the change had been introduced to take away compensatory rights, but on my reading of that particular debate there was no reference to the taxi industry. My question is really an open question to the minister, noting the massive impact upon the livelihood of taxidriviers in Victoria as a consequence of the changes that are taking place.

Ms ALLAN — I may have to follow up with the member for Sandringham about his knowledge of the bus industry changes in the 1980s. I will confess he may have a bit more knowledge on that than me, but I will do my best to go back and check what happened in the 1980s. If I heard the member for Sandringham correctly, I think the heart of what he was asking was about what additional support might be given to licence-holders.

We have been very clear — through the first tranche of legislation, this tranche of legislation and the conversations we have been having now for a long time — that we are providing significant financial support to licence-holders. Already to date over \$350 million has been paid since the first bill went through this Parliament back in August. That is money that is going to every single licence-holder who is receiving those transition payment supports. We must remember too that if those licence-holders wish to continue to operate, they most certainly can under these new arrangements. Secondly, those who made an application can also apply for additional financial assistance through the Fairness Fund. Since the Fairness Fund started in July, around 300 applications have already been approved.

This is significant financial support. The government have made this significant financial support because we recognise we have made changes in an industry. Indeed, circumstances around the industry require this change. The forces of technological change, other new entrants into the market and different ways that services are being offered and provided have required this sort of change to take place, but we felt there was a responsibility on us to provide significant financial support — the most generous financial support of any state in Australia — to those who have been directly affected. Indeed, I believe in New South Wales, where they also had financial support to the industry, their changes have been in place for the best part of two years and they have not even started making payment support to the industry.

We have taken a very different approach. We are providing support to the industry. I note that there continues to be the finalisation of further applicants to

the Fairness Fund. We are working very hard to go through those as quickly as we possibly can; however, I do note that this has been a very complex process because it requires that each individual's financial information be provided and worked through.

From the outset we have put these arrangements together as a package of financial support, deregulating the industry and providing a level playing field. At the end of this process this new framework is all about getting more services out onto the road and giving more public transport options for people, for many of whom this sort of service is the only public transport that they can access and have provision of. We are determined to see greater support for people who rely on these services.

Mr THOMPSON — I thank the minister for the indication that she would be happy to discuss the matter further. I think that there would be some constructive outcome.

If I can, I will refer her to departmental officers who might be able to provide some guidance on this particular matter. I again note the massive impact upon the livelihood of people who understood that they may have had an asset and note the compensation schemes that had been embarked upon for scallop dredger licence-holders in Port Phillip Bay, where there was a compensation scheme and also compensation to commercial anglers along the Victorian coastline.

I also note that many people who came to Australia in the 1950s and 1960s were driving taxis in the 1970s. That was their means of livelihood, and the taxi licence value was their form of superannuation. I appreciate the minister's indication, and I would be happy to work with her and the ministerial advisers just to gain clarification on a matter that has remained obscure in discussions and to bring about a high level of expertise to look at the early 1980s act, which was meant to have brought about a change. It did impact the bus industry, which had notice, but the taxi industry did not. I would appreciate the minister's response in that regard.

Ms ALLAN — The member for Sandringham in talking about this issue made reference to other industries. I think he mentioned the scallop industry and the revocation of licences for commercial fishers in Port Phillip Bay that went through the Parliament in 2016. There is a stark difference between those changes that impacted the fishing industry and the changes that we are instituting here.

Those other changes took away the right for those people to operate those fishing licences. We are not doing that in this industry. People who had a taxi

licence under the previous arrangements can still continue to operate under these new arrangements and what we have put in place has reduced significantly their barriers to entry. There is the abolition of the \$24 000 annual fee. There is a significant reduction in those costs and they are seeing the requirement to pay a flat \$52 fee so they can continue to operate. That is a stark difference to what happened in the case of the fishing industry so I would suggest to the member for Sandringham that that is not an appropriate example to use in this instance.

We have had a very cordial debate and discussion this afternoon. I appreciate the spirit of that discussion, which means I will not go down the path of repeating some of the other comments I have made in the past about what previous governments have done in terms of transition support to an industry when licence fees dropped and no support was provided and not supporting the first tranche of legislation, which meant that there was no levy under their approach, which would mean that industry would be deregulated and there would have been no levy. I will not go down that path because we have had a cordial debate this afternoon.

But I go back to those observations I made in response to the member's first comments on schedule 1. We have made available a significant up-front financial support package to those affected licence-holders. I certainly understand the significance of the impact these changes have made to a particular group of people. That is why we have worked very hard to give them support up-front. We have put in place the additional support around the Fairness Fund and we are working through those applications. Many of these licence-holders can continue to operate in an environment where there are significantly reduced barriers whilst we have provided them with support through this transition period.

Mr WATT — It was not really my intention to jump up again, but based on the comments the minister has made I do want to ask a couple of questions. It has come to my attention that there are some in the industry who are still suffering some fairly significant consequences of the changes that the government has made. Based on the comments that the minister has just made, I was wondering what sort of supports are in place for somebody who has \$262 000 of debt — I mentioned this in my contribution to the second-reading debate — acknowledging the fact that even though the government has provided \$100 000 and potentially another \$50 000, that would still leave this person \$112 000 in debt.

I am wondering what sort of support mechanisms the government might have for that person and I am wondering what the minister might say to that person to make him feel better about still being \$112 000 in debt, or to the gentleman I spoke to a couple of weeks ago who was currently living in a warehouse while his kids and wife were living on the couch of family members because they could not possibly be accommodated in a warehouse.

There are some very significant issues even now going forward. If I was to look at, say, the case of my constituent, based on the advice that I was given by the department during the briefing for the initial bill, I was told very clearly that they would be getting \$40 000. I followed that up with a question — I actually followed it up and said, 'We have been told \$25 000. Are you sure it is \$40 000?' and I was told very clearly, 'Yes, \$40 000. That is what they are currently being advertised at on the website, so that is the compensation that will be paid'.

It was not a mistake; I did not misunderstand this. People can shake their heads as much as they like but I asked the question and I repeated the question. I was very clearly told that hire car licence owners would get \$40 000 in compensation, not the \$25 000 that they have actually received. I was not going to raise this, but given the minister did get up and bring this into schedule 1, I feel I would not be doing my job if I did not ask the question of the minister and get her to respond to these very real problems that are being faced.

The minister also talked about the Fairness Fund. I wonder why the Fairness Fund needs to have a look at the bank accounts of taxi licence holders or hire car licence holders as of today when their applications for the Fairness Fund were actually made months ago. Given that the government has actually paid out — compensation is not really the word, transition payments I think is the phrase we are going with — transition payments to some people, I am concerned that those transition payments might be included in the assessment. I am only going by the concerns that I have and the concerns of constituents who have received notification from the Fairness Fund asking for current bank accounts which actually include that money.

I acknowledge that the government has paid some transition payments, but including funds held in a bank account now in the assessment might actually show that the person has a capacity that he otherwise would not have had. I am a little concerned about that. As I said, I was not actually going to get up and raise these issues but the minister did introduce them into schedule 1, which is why I needed to jump up.

Firstly, what do the government and the minister have to say to somebody who still, after the transition payments and Fairness Fund payments, has \$112 000 of debt? What does the minister say to the person who is currently living in a warehouse alone without his family because the bank has foreclosed? What do the government and the minister in particular have to say to my constituents who, on advice I was given, have actually received \$15 000 less than they were told they were going to receive?

The final thing that I would say, following up on my previous question, is that if a person is a commercial passenger vehicle driver and has excess work and passes that work on to other people, at what point do they become a booking service provider? If I was a commercial passenger vehicle provider — and I am not — and I pass work on to the minister, would I then become a booking service provider if the minister wanted to drive?

Ms ALLAN — To be brief — and I recognise I have cast a rod for my own back in allowing schedule 1 to be a much more wide-ranging debate than what it should have been, but I will live with that burden — my advice to the member for Burwood is that if he wants to become a network service provider, if he is considering his post-political life, I would encourage him to take advice from the commission that we have established. I am sure they would be happy to give him that advice.

The other thing I would say in all seriousness is that, if there are people who continue to contact the member for Burwood and who continue to express concern about how their Fairness Fund application has been assessed and processed, I would encourage him to share that information with my office rather than second-guess and provide incorrect advice. My advice to the people who are contacting the member for Burwood — no disrespect to the member for Burwood — would be to not necessarily take his advice about what he thinks might be happening but to instead take advice from people who are actually administering the scheme. We would be very happy to provide that support.

The member asked for some observations about Andy Thompson, the gentleman that the member for Croydon raised in this place last week. The member for Carrum has also met with Mr Thompson and offered support. His fund application is currently being assessed. But again — and I will try to be very quick — each individual application is different. Each individual application requires a great deal of detail to be worked through, and you cannot make an assumption about all of the applications based on the experience of one person.

In finishing, because we are coming up to time, I would just like to once again thank members for their contributions to this debate. I also very much thank my department and the Taxi Services Commission for the work they have done on this comprehensive legislation.

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.

Schedule agreed to.

Bill agreed to without amendment.

Third reading

Motion agreed to.

Read third time.

**GAMBLING REGULATION AMENDMENT
(GAMING MACHINE ARRANGEMENTS)
BILL 2017**

Second reading

**Debate resumed from 31 October; motion of
Ms KAIROUZ (Minister for Consumer Affairs,
Gaming and Liquor Regulation).**

The DEPUTY SPEAKER — The question is:

That this bill be now read a second and a third time.

House divided on question:

Ayes, 81

Allan, Ms	McCurdy, Mr
Andrews, Mr	McGuire, Mr
Angus, Mr	McLeish, Ms
Asher, Ms	Merlino, Mr
Battin, Mr	Morris, Mr
Blackwood, Mr	Nardella, Mr
Blandthorn, Ms	Neville, Ms
Britnell, Ms	Noonan, Mr
Bull, Mr J.	Northe, Mr
Bull, Mr T.	O'Brien, Mr D.
Burgess, Mr	O'Brien, Mr M.
Carbines, Mr	Pakula, Mr
Carroll, Mr	Pallas, Mr
Clark, Mr	Paynter, Mr
Couzens, Ms	Pearson, Mr
Crisp, Mr	Perera, Mr
D'Ambrosio, Ms	Pesutto, Mr
Dimopoulos, Mr	Richardson, Mr
Dixon, Mr	Riordan, Mr
Donnellan, Mr	Ryall, Ms
Edbrooke, Mr	Ryan, Ms
Edwards, Ms	Scott, Mr
Foley, Mr	Smith, Mr R.
Fyffe, Mrs	Smith, Mr T.
Garrett, Ms	Spence, Ms

Gidley, Mr
 Graley, Ms
 Green, Ms
 Guy, Mr
 Halfpenny, Ms
 Hennessy, Ms
 Hodgett, Mr
 Howard, Mr
 Hutchins, Ms
 Kairouz, Ms
 Katos, Mr
 Kealy, Ms
 Kilkenny, Ms
 Knight, Ms
 Languiller, Mr
 Lim, Mr

Staikos, Mr
 Staley, Ms
 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, 3

Hibbins, Mr
 Sandell, Ms

Sheed, Ms

Question agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

FINES REFORM AMENDMENT BILL 2017

Second reading

Debate resumed from 31 October; motion of Mr PAKULA (Attorney-General).

Motion agreed to.

Read third time.

Third reading

Motion agreed to.

Read third time.

COMPENSATION LEGISLATION AMENDMENT BILL 2017

Second reading

Debate resumed from 1 November; motion of Mr SCOTT (Minister for Finance).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

FIREARMS AMENDMENT BILL 2017

Second reading

Debate resumed from 1 November; motion of Ms NEVILLE (Minister for Police).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

VICTORIAN DATA SHARING BILL 2017

Second reading

Debate resumed from earlier this day; motion of Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

Business interrupted under sessional orders.

ADJOURNMENT

The SPEAKER — The question is:

That the house now adjourns.

Public housing

Ms ASHER (Brighton) (17:08) — (13 443) The issue I have concerns the Minister for Housing, Disability and Ageing. The action I seek is for him to stop the government's public housing development of nine storeys in New Street, Brighton. There is currently public housing on this site, and that housing is three to four storeys high and has 127 apartments. I support the redevelopment of public housing on that site at that level. The government's proposal is called the public

housing renewal program and involves selling public housing land to developers and, more importantly, bypassing planning controls. I refer to a press release from Bayside City Council dated 30 October 2017 which encapsulates some of the community's concerns:

Ministers Foley and Wynne are selling —

and I am very pleased to see he is in the house —

the New Street social housing site to developers who will build a handful of new public housing dwellings while at the same time developing hundreds of apartments to sell on the private market to reap massive profits', Cr del Porto said.

The council notes that there will only be 12 additional public housing units as a result of this monstrosity being built in New Street, Brighton. The councillor was further quoted as saying:

The government has recently introduced a three-storey height limit to provide our communities with certainty but it now plans to build huge nine-storey apartments towering over playgrounds and robbing residents of open space.

I reiterate those concerns. I also note that Bayside council has gone into an alliance with the City of Stonnington and the City of Boroondara. It is odd for three local government municipalities to be opposed to a government policy like this. I also note that the minister is responsible for two contentious public housing projects in Brighton. Interestingly enough, the minister is not doing this in his own adjoining electorate a little bit up the road. He is foisting two contentious public housing developments on Brighton, one of which will overwhelmingly be for the private sector and which will be nine storeys high. We are perfectly happy with the existing public housing. We are not satisfied with a nine-storey development in Brighton.

I also note that the minister, in his usually combative style, when asked to comment about local government opposition to this, dismissed it by calling it, as reported in the *Age* of 30 October:

... cheap, politically inspired lies spread by the Greens party and Liberal-dominated councils.

The minister is wrong. Bayside council is neither dominated by the Greens nor the Liberal Party. Those councillors are reflecting genuine community opposition to an inappropriate nine-storey development in New Street, Brighton. I urge the minister to stop it.

Australia-Ireland alliance

Mr McGUIRE (Broadmeadows) (17:12) — (13 444) My adjournment matter is for the Minister for Trade and Investment. The action I seek is a memorandum of understanding building economic and

cultural development between Victoria and Ireland. I raised this initiative with the President of Ireland, Michael D. Higgins, recently in Melbourne, when he headed a trade mission to Victoria, and I also discussed the concept with the Taoiseach, Leo Varadkar, in June during the European Australian Business Council's mission to Dublin.

The ebb and flow of history and our greatest asset, our people, provide a significant opportunity to formalise a 21st century economic and cultural development strategy. Two-way trade and investment between Australia and Ireland is worth almost €19 billion. If Brexit occurs, Ireland can increasingly become Australia's gateway to Europe, while Australia offers the bridge to the growth markets of the Asia-Pacific. Australian companies can join Harvey Norman, the Macquarie Bank and Woodside Petroleum in using the diaspora connection to build Irish divisions as pathways into the European Union. Ireland is home to nine out of 10 of the world's leading companies in sectors Victoria is targeting: information and communications technology, pharmaceuticals and financial services. The Irish Australian Chamber of Commerce has driven interest from Irish companies looking to Australia as their preferred base in the Asia-Pacific region.

I was delighted to recently welcome Irish company Kingspan opening a new factory in Victoria, becoming Australia's first Green Star rated manufacturing facility. It will supply insulation products to the Australian, New Zealand and Asia-Pacific markets. This is proof of the concept I want to see thrive. Here is Irish intellectual property creating local jobs in a new industry in the community I represent, where my mother, Bridie Brennan, from Boyle, worked on the assembly lines at Yakka, Nabisco and Ericsson, which have fallen silent. The Victorian and Australian governments supported Kingspan's investment in Broadmeadows, where innovation is needed most to create new jobs, especially for retrenched auto workers.

The trade mission that President Higgins headed featured more than 40 of Ireland's most innovative companies defining the interest and urgency in establishing a new mechanism to fast-track investment. One of Australia's greatest gifts has been the opportunity it has provided generations for a new life beyond the burden of history. Our connection to Ireland is a blood tie. When I discussed our relationship with the President of Ireland he reeled off his family's own Australian diaspora. President Higgins described Melbourne and Victoria as perhaps absorbing the full spectrum of Irish society more than any other Australian city or state. Former Irish President Mary McAleese said the two countries were joined at the hip.

Former Australian Liberal Prime Minister John Howard described Australia as the most spectacular component of the Irish diaspora. Former Australian Labor Prime Minister Paul Keating declared:

... Australia without the Irish ... would be unimaginable. In fact Australia without the Irish would be unthinkable; Australians without the Irish would be unspeakable.

Need I say more?

Horsham health services

Ms KEALY (Lowan) (17:14) — (13 445) My adjournment matter is for the Minister for Health, and I am seeking a comprehensive explanation as to why women with a strong family history of breast cancer or women that have been diagnosed with breast cancer are charged \$200 for a mammogram and ultrasound in Horsham, when this service is provided to women in Ballarat and Melbourne for free. This additional cost means that women in western Victoria are delaying having this important diagnostic procedure performed simply because they cannot afford it. This is compounded by poor public transport links to Ballarat, which are getting worse due to cancelled services to the Wimmera Southern Mallee region and longer travel times recently imposed by the city-centric Andrews Labor government.

I refer to a contact I had from a local constituent who asked why our counterparts in Melbourne and Ballarat are able to have this service bulk-billed and yet in Horsham we have to pay, especially when some people have to have these tests every six months. I therefore ask the minister to explain to the women of my electorate why it costs so much to get a diagnostic mammogram and ultrasound in Horsham when it is free for women in Ballarat and Melbourne.

Australian Volunteer Coast Guard Carrum flotilla

Ms KILKENNY (Carrum) (17:15) — (13 446) My adjournment matter is for the Minister for Emergency Services. I would like the minister to join me in my electorate of Carrum to visit the Carrum flotilla of the Australian Volunteer Coast Guard. The Carrum flotilla, founded in 1966, is a tremendous local volunteer organisation and the busiest flotilla in Victoria. Coast guard volunteers work hard to deliver marine rescue and education services. These volunteers provide an invaluable service to our local community and visitors to our beautiful waterways. Patrols cover an area from Seaford to Sandringham and beyond, and the flotilla averages 120 to 150 assists every year. I look forward

to welcoming the minister to meet the dedicated volunteers and members of the Carrum coast guard.

Box Hill Institute Lilydale Lakeside campus bus services

Mrs FYFFE (Evelyn) (17:16) — (13 447) My request for action is to the Minister for Public Transport. It is for the minister to investigate extending the weekend timetable for bus route services 670 and 672 to the Lilydale Lakeside campus. Currently route 670, Lilydale via Maroondah Highway, operates to and from the Lilydale Lakeside campus between 7.42 a.m. and 8.08 p.m. from Monday to Friday, and there are no bus services over the weekend to the campus. Route 672, Chirnside Park shopping centre via Wonga Park, does not currently provide any bus service to the Lilydale Lakeside campus.

The campus delivers bachelor of early childhood education and graduate diploma in early childhood teaching courses over the weekend. Classes for these courses will be running on the weekend from 9.00 a.m. to 4.00 p.m. and will then continue on Tuesday evenings from 6.00 p.m. to 9.00 p.m. They are also looking at expanding their short courses during the weekends, as they will provide more opportunities for the community at the Lilydale Lakeside campus.

Eastern Regional Libraries operates the Lilydale community library located at the campus and is also in need of an extension to the bus service. The Lilydale community library opens from 10.00 a.m. to 4.00 p.m. on Saturday and 1.00 p.m. to 4.00 p.m. on Sunday. They recorded over 10 000 visits in July 2017, averaging 400 visitors during the weekend, and are expecting this number to increase in the future. Eastern Regional Libraries and its patrons are advocating for bus services over the weekends. On behalf of the Box Hill Institute Lilydale Lakeside campus and the Lilydale community library I ask you to investigate extending the weekend bus services for routes 670 and 672 so that both these institutions can achieve their potential.

Coburg City Oval

Ms BLANDTHORN (Pascoe Vale) (17:18) — (13 448) I appreciate the opportunity to raise a matter for the attention of the Minister for Sport, and the action I seek is that the minister accompany me on a visit to the Coburg City Oval to meet with the board of the Coburg Lions Football Club and discuss the club's vision for the future of its facilities at the oval. Last week I met with Coburg Lions president Kevin Breen and general manager Seb Spagnuolo as well as an officer from AFL Victoria to discuss a number of issues

of significance to the club, including the inadequacy of its current facilities at the Coburg City Oval.

As the minister is aware, the Coburg Lions currently compete in the VFL. Up until 2013 the club was affiliated with the great Richmond Tigers Football Club, but since 2014 it has operated as a standalone club. The West Coburg Football Club, another great local club in the electorate of Pascoe Vale, also calls the Coburg City Oval home for a number of games each year. In addition, this year the Coburg City Oval played host to the Essendon District Football League finals and the Victorian Amateur Football Association finals, as well as hosting a number of women's finals.

As the minister will see firsthand on his visit, the Coburg City Oval's facilities are outdated and uninviting, and certainly the last time there was any significant funding provided to VFL facilities the Coburg City Oval missed out. The facilities do not reflect the high level of competition that is played there and do not cater adequately for female players, umpires or spectators. A redevelopment of this iconic but tired facility would unlock its immense potential and provide significant and ongoing benefits for the local community and beyond. If provided with funding for redevelopment, the Coburg City Oval's close proximity to the CBD, as well as its accessibility via public transport, would make it a premium venue and one which could potentially be used to host more blockbuster matches, including VFL Women's games, in the future. I look forward to accompanying the minister on a visit to the Coburg City Oval so he can see firsthand the potential that is there.

Melton Community Health Centre

Mr NARDELLA (Melton) (17:20) — (13 449) My adjournment is to the Minister for Health. The action that I seek is that she come to inspect with me the new community health centre and hub building that she launched a few months ago and inspect the terrific progress that has been made when she is next around the Melton area. The new community health centre and hub is now at the metal skeleton stage and going up at a rate of knots. Since the Melton Community Health Centre was established in 1983 under the Cain Labor government and the then Minister for Health, the Honourable Tom Roper, the health service has been in a temporary rented premises, and its new home along with other providers like MacKillop Family Services is being welcomed by all members of the township and district.

Whilst on site we can also go and have a look at Melton Health, the super-clinic next door, and at the site set aside for the Melton day surgery hospital to see firsthand how

this would assist people in the district to have these services provided locally and would relieve pressure on acute hospitals and other health services in town and elsewhere. It is important as the government is in the process of developing the next state budget, and for her to advocate for this initiative would be just terrific.

The staff and the community are looking forward to their new home at the community health centre and hub, as they are currently in the old Melton shire offices. I was on the board of the Melton Community Health Centre for many years and was the president as well. Those premises and the amenities that the staff have to work under are very, very poor. The shire offices have been rebuilt, and the old building was put aside and given to the community health centre to be rented as a temporary measure. They have been there now for around 15 years, I think, and possibly longer. So next time the Minister for Health is going through Melton or is within the district, I would welcome her to come along and visit the new building with me.

Dandenong Primary School

Ms WILLIAMS (Dandenong) (17:22) — (13 450) My adjournment matter is for the attention of the Minister for Education. The action I seek from the minister is that he approve funding for maintenance works at Dandenong Primary School. The main school building is heritage listed and dates back to 1881, with an extension that took place in 1901. It is a beautiful building and is much loved by the local community, but it is also in desperate need of repair and refurbishment. The school is fortunate to have a wonderful and energetic principal in Daniel Riley and the teaching staff are exceptional, but they do not have the facilities they deserve.

I was concerned when I was last there to see sections of the building cordoned off for safety reasons due to some kind of subsidence, which has caused the wall to pull away from the building's foundations. There are deep cracks through walls, and old sash windows have rotted and can no longer be opened.

The school is committed to maintaining this important piece of Dandenong history and also providing their students with a safe and welcoming educational environment. But overcoming these significant structural issues will come at a cost, and the school needs help. This is why I request that the minister provide funding to Dandenong Primary School to help fix these issues and ensure the school remains a first-class learning

environment for local students, while also preserving an important part of Dandenong history.

Sin é!

Eildon electorate schools

Ms McLEISH (Eildon) (17:23) — (13 451) My adjournment matter is directed to the Minister for Education, and the action I seek is for the minister to provide capital funding in next year's budget to repair, maintain and modernise the school buildings in the Upper Yarra. I have had the pleasure of representing schools in the Upper Yarra for only three years and always under a Labor government. I have 51 schools in my electorate. There are 10 government primary schools and one secondary school in the Upper Yarra, and many of these schools are on busy roads. I have visited all the schools on a number of occasions, including spending a full day at Upper Yarra Secondary College, both campuses of Millwarra Primary School, and schools at Launching Place and Warburton as principal for a day.

The need for capital investment in the area is obvious. Each school of course has its own needs. A common theme seems to be leaking roofs, and this extends beyond just fixing the roof as the wiring, the plaster and the carpets below are all affected. If we take this to the next step, mould can develop, which can impact on the health of both the students and staff. These sorts of repairs are not cheap, and some of these schools have very large roof areas.

Some schools are growing and they have identified areas that could be enclosed to expand their space. The classrooms and teaching environments in all schools could be modernised. Prior to the last election I was pleased to commit \$1 million to Woori Yallock Primary School. The Labor government has not followed this up, and that need still very much exists. Launching Place and Millwarra primary schools are both in desperate need of capital investment. Access from the schools in times of bushfires or emergencies needs to be addressed at Hoddles Creek and Wesburn. Electronic flashing lights need to be installed outside Woori Yallock and Wesburn primary schools, both of which are on main roads.

With regard to secondary schools, many schools in the area have had a complete modernisation, such as Healesville, Lilydale and Monbulk. Upper Yarra Secondary College just seems to miss out. It is the only secondary school in the Upper Yarra, and it should not be neglected further. It needs to be considered on its own, and I fear that these needs will be lost if it is fully

incorporated into an Upper Yarra-Lilydale education plan. I fear that development of a master plan will not go far enough.

It is also worth noting for the minister that in his time as minister \$17.6 million has been invested in his own electorate, while the member for Bentleigh boasted in his appropriations response this year that in the last three budgets Bentleigh received '10 schools and \$45 million in school investment in the Bentleigh electorate'. I find this outrageous when there has probably been \$2 million in capital funding in my electorate. I am sure that the real need in my electorate is greater than that of Bentleigh, which is more affluent. The minister and the government continue to play politics, but it is time to make a significant investment in the schools in the Upper Yarra.

Multi-use paths

Ms GREEN (Yan Yean) (17:26) — (13 452) I wish to raise a matter for the attention of the Minister for Public Transport, and the action I seek is that she work with the Minister for Roads and Road Safety, the Level Crossing Removal Authority, VicRoads, Parks Victoria and Whittlesea City Council, local developers, Melbourne Water and other stakeholders such as the YMCA, Whittlesea Bicycle Users Group and local schools to ensure that new and upgraded multi-use paths from the fabulous investments in primarily the postcode of 3754 — Mernda and Doreen — can be pooled in such a way that the outcome for multi-use and cycling paths can be maximised.

The Mernda-Doreen area is experiencing significant construction and investment due to the Andrews Labor government's ongoing commitment to Melbourne's north. Well over \$1 billion of investment is occurring, including the Mernda rail extension, Yan Yean Road stages 1 and 2, and the Plenty Road upgrade stages 1 and 2, not to mention tens of millions of dollars of investment in new schools in Mernda, upgrades to Hazel Glen College, new early learning centres and other investments in sporting and community facilities across the board.

All of these facilities would be much better supported and much better patronised with proper multi-use and cycling paths. It would be great for the health of the community, it would diminish congestion and it would give parents alternatives to having to constantly drop off kids at sport and at the three new stations as part of the project. It could actually lead to families saying, 'Maybe we can get by with only one car'. That is what families in the inner city have, and that is the aspiration that I would really like to see in Mernda and Doreen.

In addition, the VicRoads engineers who are planning stage 2 of both the Plenty Road and Yan Yean Road projects have said that they could have some issues with the width of the road projects, and may not be able to fit in the walking and cycling paths immediately alongside the roads. I think this is an opportunity to combine the cycling paths that are already being built as part of the Mernda rail extension and by Whittlesea council, with maybe accessing and using some of Melbourne Water's property along the Yan Yean Pipe Track or through the Plenty Gorge Park. I urge the minister to pull everyone together for a great outcome for Mernda and Doreen cyclists.

Responses

Mr FOLEY (Minister for Housing, Disability and Ageing) (17:29) — I very much thank the honourable member for Brighton for the matter that she raised. It gives me the opportunity to place in a more appropriate context the Homes for Victorians policy of which the public housing renewal project to which she referred — inaccurately, but nonetheless to which she referred — in her contribution.

The Homes for Victorians policy that was released in March by the Treasurer and the Premier has a whole range of approaches that seek to make sure that the contribution that Victorians make through our housing process is to make them more affordable in the whole ecology of affordable housing, from first home buyers in the suburbs and in the regions all the way through to public and social housing, and all the way through to homelessness and rough sleepers across the whole ecology of the housing crisis we face as a nation.

In that context one program, the public housing renewal program, seeks to deal with what in my notes — and I stand to be corrected by Hansard — the honourable member referred to as the tenants of the Elsternwick estate being perfectly happy with the concrete walk-ups that they are currently living with. If the honourable member for Brighton is of that view — and I stand to be corrected, I will let the record speak for itself — let us be clear, this government will not condemn another generation to the housing poverty that those concrete walk-ups speak to.

Their life span has well and truly expired. Those inadequate facilities condemn people, generally speaking, on low incomes and, generally speaking, older Victorians who are disproportionately represented in disabilities and all sorts of other vulnerabilities to facilities that are not fit for purpose. They are hot in summer, they are cold in winter, they have no lifts and they condemn people to having to walk up and down

four storeys, sometimes in badly designed and, frankly, sometimes unsafe facilities, given their design.

In that context, this is not a government that will sit idly by and allow that to continue, given that under the last government we saw \$400 million taken out of public and social housing. In terms of public housing renewal, homelessness and responding to family violence, this government has invested \$799 million and \$2.1 billion worth of financial instruments have been made available through the Homes for Victorians program to provide a comprehensive response to the issues that are most starkly reflected in the fact that we have 35 000 people on our public housing waiting list, a number which is growing. The Victorian Housing Register brings together over 40 different waiting lists for community housing and public housing. When the register is in place early next year the public housing list will be more accurate and even larger.

This government is not prepared to sit by and allow that to happen. That is why as part of the wider program that the public housing renewal is a part of we will see 6000 social housing units put into the market, delivered either by the Office of Housing or by accredited housing providers. I think every community should be making a contribution to that, including — as the member says — my community, in which there are over 3000 public housing units and over 1200 social housing units.

It is a bit rich of the City of Bayside, which has made an art form of opposing public housing developments in Hampton, in Brighton East and in Elsternwick, to add this to its rich list of opposition. Its friends in Stonnington have also made an art form of opposing developments, including in Bangs Street, in King Street and in Malvern Road. Even more astonishingly the good people of Boroondara have through their leadership made an absolute art form of opposing programs in Hawthorn and Ashburton. On the record I will state that we are not prepared to take advice from the City of Bayside.

Let us be clear: this government will not condemn another generation of people to inadequate, unsafe and poor-quality housing when there are other options readily available. The one thing that I will give the former government at least a little bit of credit for is the fact that they did not totally close down the Heidelberg estate, which is one of the 11 projects that are part of the public housing renewal program. The previous government scaled back that estate, and we have scaled it back up again. That is a project that is not dissimilar, member for Brighton, to what we are doing now — using the value of the land to build more public housing

and partnering with the private sector to build more diverse communities.

The other thing that this project is all about is making sure that we end the stigma and discrimination that goes on so well and oh so enduringly with the public housing estates in our communities. There might as well be a Berlin Wall between some of these estates and their surrounding communities. What this project will do is build better communities through a diverse range of housing choices and a diverse range of modern housing opportunities. I would urge the City of Bayside to get on board, end a generation of opposing public and social housing developments, support this project and use this opportunity to deliver better communities, safer communities and better housing for a diverse range of tenants across all 11 estates that we have targeted.

Ms ALLAN (Minister for Public Transport) (17:36) — If I heard her correctly, the member for Evelyn raised a matter about extending weekend services on bus routes 670 and 672 to the Lilydale Lakeside TAFE campus. We will take the member's request on board. I note that when the Labor government reopened the TAFE campus in Lilydale at the start of 2016 it did extend bus route 670 to the reopened Lilydale TAFE campus. You might ask, 'Why was this TAFE campus reopened?'. Of course it needed to be reopened because it was closed by the Liberal government, which the member for Evelyn was a member of. Notwithstanding that, we understand very clearly the importance of providing bus connections to educational institutions. We have done it for a number of other locations, including to La Trobe University in Bundoora and to other university and TAFE campuses across the state. We have reintroduced route 887 to provide a better connection to Monash University for students on the Mornington Peninsula.

We are a government that invests in bus services, and we invest in TAFE campuses as well. As I said, the only reason we put on those bus services to the TAFE campus in Lilydale when it was reopened is that we had to reopen it after it was closed by the Liberal government, which the member for Evelyn was a member of. We will investigate that and look at how we can support extra bus services so students can get to a TAFE campus that was closed by the Liberal government and reopened by the Andrews Labor government.

The member for Yan Yean has raised a matter with me. I think the member for Yan Yean is seeking to set a world record for the number of adjournment matters she can raise on a particular project, because she is such a great lover and supporter of the Mernda rail extension

project. I am very pleased to once again provide information to the member for Yan Yean about this project. She has fought for this project for years, she has pushed the government on this project and we are delivering this project. This is a critically important extension of the South Morang line to the growing and emerging community around Mernda, and Mernda can have no better advocate for their community than the member for Yan Yean.

While we consider the size and scale of this expansion, we have to make sure that the networks around it work together so that the community can make the most of this important piece of new public transport infrastructure. The member for Yan Yean has put her hand up once again on behalf of her community. She wants to see a number of agencies come together, including the Level Crossing Removal Authority, VicRoads, Parks Victoria, Whittlesea City Council, local developers and other local agencies, to ensure the Mernda rail extension project is coordinated in the best possible way. I am pleased to be able to support those efforts by the member for Yan Yean. We will get that work up and running as quickly as we can. I thank her once again for her tireless advocacy and leadership in her local community.

The remaining seven members raised matters for various ministers, and those matters will be referred to those ministers for their attention and response.

The SPEAKER — The house now stands adjourned.

House adjourned 5.40 p.m. until Tuesday, 14 November.