

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Wednesday, 9 August 2017

(Extract from book 9)

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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 10 November 2016)

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	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, Ms Gralely,
Ms Kilkenny, Ms Knight, Mr McGuire, Mr Pearson, Ms Spence, Ms Thomson and Ms Ward.

Leader of the Parliamentary Labor Party and Premier

The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier

The Hon. J. A. MERLINO

Leader of the Parliamentary Liberal Party and Leader of the Opposition

The Hon. M. J. GUY

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

The Hon. D. J. HODGETT

Leader of The Nationals

The Hon. P. L. WALSH

Deputy Leader of The Nationals

Ms S. RYAN

Heads of parliamentary departments

Assembly — Acting Clerk of the Legislative Assembly: Ms Bridget Noonan

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

Parliamentary Services — Secretary: Mr P. Lochert

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

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn ²	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Naphthine, Dr Denis Vincent ³	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio ⁴	Melton	Ind
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma ¹	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John	Morwell	Nats
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David ⁵	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Paynter, Mr Brian Francis	Bass	LP
Clark, Mr Robert William	Box Hill	LP	Pearson, Mr Daniel James	Essendon	ALP
Couzens, Ms Christine Anne	Geelong	ALP	Perera, Mr Jude	Cranbourne	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Pesutto, Mr John	Hawthorn	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Dixon, Mr Martin Francis	Nepean	LP	Riordan, Mr Richard ⁶	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 ⁷	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 Elected 14 March 2015

⁶ Elected 31 October 2015

⁷ 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 Hodgett, 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, Mr Merlino, Mr M. O’Brien, Mr Pakula, Ms Richardson and Mr Walsh. (*Council*): Mr Bourman, Mr Dalidakis, Ms Dunn, Mr Jennings and Ms Wooldridge.

Economic, Education, Jobs and Skills Committee — (*Assembly*): Mr Crisp, Mrs Fyffe, Ms Garrett and Ms Ryall. (*Council*): Mr Bourman, Mr Elasmarr and Mr Melhem.

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

Environment, Natural Resources and Regional Development Committee — (*Assembly*): 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*): Mr Finn.

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

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

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

Public Accounts and Estimates Committee — (*Assembly*): Mr Dimopoulos, Mr Morris, Mr D. O’Brien, Mr Pearson, Mr T. Smith and Ms Ward. (*Council*): 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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Wednesday, 9 August 2017

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

PETITIONS

Following petitions 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) (374 signatures).

Boronia Heights secondary college site

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house that the future development of the former Boronia Heights secondary college is opposed by the undersigned as it is:

1. an important area of open space within the municipality;
2. it provides a space for exercise much utilised by dog walkers and children;
3. it provides an opportunity for reflection and peace and quiet;
4. contains a number of important areas of remnant vegetation;
5. is an important habitat for local animals including the powerful owl;
6. provides a very important wildlife corridor for animals moving from the adjacent national park into Knox.

The petitioners therefore request that the Legislative Assembly of Victoria resist the temptation to develop this site and instead give it to the people in the form of public open space (parkland).

By Ms VICTORIA (Bayswater) (2223 signatures).

Tabled.

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

COMMISSION OF INQUIRY INTO ARARAT RURAL CITY COUNCIL

Report

Ms HUTCHINS (Minister for Local Government), by leave, presented report.

Tabled.

Ordered to be published.

DOCUMENTS

Tabled by Acting Clerk:

Auditor-General:

Internal Audit Performance — Ordered to be published

V/Line Passenger Services — Ordered to be published

Statutory Rules under the following Acts:

Building Act 1993 — SR 81

Magistrates' Court Act 1989 — SR 82

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 81, 82

Documents under s 16B in relation to the *Education and Training Reform Act 2006* — Ministerial Order No 1030 — Victorian Institute of Teaching Schedule of Registration Fees 2017–18.

MEMBERS STATEMENTS

Electricity prices

Ms ASHER (Brighton) — I wish to draw the attention of the house to an article in the *Australian Financial Review* of 5-6 August 2017. It pointed out, and I quote:

Australian residential customers are paying the highest electricity prices in the world — two to three times more than American households ...

It then went on to point out in a chart how Victorians' electricity prices are well above the European Union average and well above a number of other countries, and that is obviously a complete change from the 1960s and 1970s, when Victoria was renowned as a place for cheap and reliable electricity.

However, on top of this news about electricity prices worldwide we of course saw a report from the Australian Energy Market Operator in December 2016. The bottom line of that report, as I am sure members

will remember, is that Victoria faces a possible 72 days of power supply shortfalls over the next two years. Basically that report said that if it is hot this summer, we will have load shedding, which means a curb on supply, and there will be an increase in spot prices. So from the state that was able to market itself as the state with cheap, reliable power we are now, unfortunately, due to a failure of government policy — state government policy in particular — the state with high electricity prices and low reliability of supply.

Penalty rates and fair pay

Ms HUTCHINS (Minister for Local Government) — I rise to talk about the young workers in my electorate of Sydenham that will be highly impacted by the transitional arrangements in relation to the recent cuts to penalty rates for workers in restaurants, cafes, bars and the retail sector. They will effectively have their Sunday penalty rates cut by 5 per cent this year and 10 per cent in both 2018 and 2019. Many will also see their public holiday pay cut effective immediately from the next public holiday that they face. This comes as a huge blow to many of our lowest paid workers, who are already feeling the pinch of record low wages growth.

A recent report commissioned and released by the Young Workers Centre at Victorian Trades Hall Council found that young people begin their working lives with a poor understanding of their rights at work and their entitlements in the workplace. Unfortunately wage violations are rife across the state and in many, many industries for young people. Large numbers of young people work weekends and are not being paid properly and in some cases are not even obtaining the right information about their rights at work. Wage theft is a low-risk business decision for some small employers, and of course we have seen similar stories emerge from the select committee on penalty rates and fair pay that has been undertaken by this Parliament.

Isobel Arbuthnot

Mr WALSH (Murray Plains) — Along with many current and former MPs and family and friends, I recently attended the service at St Paul's, Sale, to celebrate the life of Isobel Arbuthnot. As her husband Alex said, Isobel was an outstanding manager of their farming business, an outstanding community person, a national leader and a really wonderful mum to their children. Isobel's passions were her family, their dairy farm and the National Party, of which she was made a life member in 2006.

Isobel won the Young Farmers state debating competition as a 16-year-old. She had a very good speaking voice and great communication skills, which she put to good effect throughout her life. Whether it be as chair of the Nambrok school committee, as a member of the Sale District School Committee, starting the Macalister Dairy Ladies Group or as a member of the National Party, she used those skills well. Isobel was The Nationals state vice-president, chair of the women's section and on the national executive. She was a forthright debater at state conferences and always had the strength of her convictions, leaving those attending in no doubt about her views on the issues at hand.

Throughout all this Isobel continued to manage the family's 500-cow dairy farm. I am told that as the farm grew over the years and the number of cows increased Isobel maintained the ability to still remember the cows by their names and took a personal interest in the calf raising.

Alex said:

As I have walked life's road with this wonderful person, I reflect on her strengths as a mentor, as an adviser, as a leading farmer, as a real friend and a very precious wife and mother of our family.

Vale, Isobel Arbuthnot.

Pascoe Vale electorate school leaders

Ms BLANDTHORN (Pascoe Vale) — I rise to congratulate a number of leaders and educators within the district of Pascoe Vale who have recently notched up 40 and 45 years of service to education, and in particular education in our local area. I particularly acknowledge Ms Vicki King of Glenroy West Primary School; Ms Konstantina Ganim of Pascoe Vale North Primary School; Mr Trevor Daly, assistant principal of Westbreen Primary School; and Mr Paul Dingle, principal of Glenroy College. I know both Trevor Daly and Paul Dingle personally, and I have been extremely impressed by them since I was elected. Mr Daly worked at Oak Park Primary School and currently works at Westbreen Primary School. Both of these primary schools within my area provide an amazing service to our local communities, and Mr Daly has been crucial to that.

Mr Dingle, who is the principal at Glenroy College, is an amazing man who has worked very hard and tirelessly for the community of Glenroy and in particular for the disadvantaged members of that community, particularly people from our culturally and linguistically diverse community and refugees. He has taken quite public stances in favour of supporting the

refugees within his school community. The Minister for Education recently inspected the implementation of programs instigated by Mr Dingle within the school in relation to literacy, attendance and ensuring that students within the school community not only improve their literacy levels but also actually attend school. I congratulate these leaders.

Voluntary assisted dying

Mrs FYFFE (Evelyn) — I have been handed a petition to table in the Parliament. Unfortunately because it is not addressed to either the Assembly or the Council, it cannot be tabled in this house. It has been submitted in good faith by the St Patrick's Catholic parish community of Lilydale, who want to express their concerns regarding euthanasia and assisted suicide. I would like to advise them that I will take their points on board when it comes time for the debate and make sure that their requests are treated seriously.

Vietnam War civilian medical surgical teams

Mrs FYFFE — I would like to speak about the 450 doctors, nurses and anaesthetists who answered the nation's call and served as members of the civilian surgical team that served in the Vietnam War. When I first immigrated to Australia I was shocked at how Vietnam veterans were treated on their return. I have spoken on this topic before. I could not understand how a country that had called upon them to serve could be so shallow. The demonstrations that took place at the time against the returning soldiers were disgraceful. Thankfully times have changed and we know that they should have been treated better.

However, there is one group we still need to honour. These volunteers all suffered their share of hardship. They tended the wounded, both civilians and soldiers, and were witnesses to the horrors of war. There are approximately 300 of the Southeast Asia Treaty Organization group still living, and just like our veterans they are getting older and suffering health issues, but they do not get the same medical benefits. They have all been honoured with an Australian Active Service Medal, and they should get the veterans gold card. They have been supported by many people, including the Governor-General, Sir Peter Cosgrove.

Doris Giles

Mr STAIKOS (Bentleigh) — Sometimes small wins can make a big difference. It was last year that I received a call from Doris Giles, a resident of Classic Residences Retirement Villages in my electorate. Mrs Giles was concerned about the lack of access to

public transport, despite the retirement village being home to well over 400 people. She had a great idea, suggesting that the 823 bus, which runs from Brighton North to Southland, should be redirected to stop outside the retirement village.

I did the usual thing a local MP would do: I sent a letter off to the minister. The calls from Doris kept coming. At one point she threatened not to stop calling until we made this change. Her lobbying paid off. I was pleased to announce the change in the 823 bus route recently. During the photo shoot with the local paper, 90-year-old Doris quipped that Jennifer Hawkins charges a lot of money for photo shoots but Doris was providing her services for free.

All jokes aside, this was a very important boost to public transport services for the many senior citizens who live at Classic Residences. There was no easy access to public transport for residents. Southland is a popular destination for them, but they currently only have one minibus taking them to the shopping centre once a week. This change means that residents will have a bus every hour on every weekday, picking them up and dropping them off right outside their retirement village.

Mobility is critical for senior citizens. Proper access to public transport means greater mobility, less isolation and healthier communities. Well done, Doris.

Kokoda trek

Mr BLACKWOOD (Narracan) — During the recent winter recess the member for Gippsland East, Tim Bull, the member for Ovens Valley, Tim McCurdy, and I completed another Kokoda Trail challenge. Three year 11 students from the Baw Baw shire also completed the trek with flying colours. Jack Jacobs, Emily McDonald and Bridie Farrar displayed exceptional endurance, mental toughness and also empathy with what our diggers faced in 1942. Their contribution to the group of 26, ranging in age from 16 to 72, certainly honoured the legacy of our diggers as they displayed similar traits of mateship, sacrifice, endurance and courage.

Yarragon and Hill End former school sites

Mr BLACKWOOD — The battle to retain the former Hill End Primary School site for community use is still ongoing. The Hill End community deserve to continue to use this asset as they have for the past 10 years to enhance community engagement and encourage visitors to the area. This has been the hallmark of and has underpinned the success of activities conducted on this site by the

dedicated management team of hardworking, selfless community members. The Andrews government must see sense, rubberstamp this public asset for ongoing community use and end the stress and worry of the Hill End community.

The former Yarragon Primary School site is also at a crossroads — listed for sale by the Andrews government. The site of 4 acres within 100 metres of the CBD presents an enormous opportunity to enhance the livability of this growing community. A new, larger site for the Country Fire Authority is required, along with extra parking and community space. If the site is sold for private development, a once-in-a-lifetime opportunity to provide a significant community asset in a perfect location will be lost forever.

Carrum Downs community fundraising event

Ms KILKENNY (Carrum) — I would like to put on the record my utmost admiration and respect for the Carrum Downs community. Time and time again I see this wonderful local community coming together in a show of strength, compassion, love and unity to support each other through difficult times. And so it was last Friday when I joined more than 160 members of the local Carrum Downs community to support Mark Snelling and his beautiful family at a fundraiser at Banyan Fields Primary School. It was a great night with lots of laughs and some incredibly competitive bidding on auction items, including a football that I did not even know I had bid on.

A special thanks to Alex and Tracie Paterson, who were absolutely instrumental in organising the event. It raised just over \$6000 for Mark, Lisa Anne and the boys — a truly wonderful local family. I join with the local community in wishing Mark a speedy recovery.

Marriage equality postal vote

Ms KILKENNY — On marriage equality, shame on Malcolm Turnbull for lacking the courage and conviction to allow a free vote on marriage equality in the federal Parliament. The High Court has ruled that the federal Parliament has the constitutional ability to pass legislation providing for marriage equality, so why on earth is the Turnbull government opting for a non-binding postal ballot that will cost more than \$120 million, should the Senate refuse to approve a compulsory plebiscite? It is because we have a weak Prime Minister beholden to his party's conservative right who refuses to listen to the will of the Australian people and who refuses to uphold the values of equality and respect for all.

Rainbow Desert Enduro

Ms KEALY (Lowan) — What an amazing success the inaugural Rainbow Desert Enduro was this past weekend. There were awesome vehicles on show, phenomenal community support, many visitors to the region and a heap of fun to be had by racing teams and spectators alike. This event is a huge drawcard for the local area and must be retained for coming years.

Huge thanks to the organising committee, led by Brett Price, in conjunction with Cr Ron Ismay and fellow locals. If not for the passionate locals, this event would not have happened. Whether they offered land, volunteered at the event or just offered their friendship over the weekend, I thank them so much. I also thank the team at BFGoodrich CAMS Australian Off Road Championship for seeing the potential of the Rainbow region as a host. I hope we can develop a long-term relationship with racing in our region into the future.

Sheepvention

Ms KEALY — Congratulations to the Hamilton Pastoral and Agricultural Society for the resounding success of the 2017 Sheepvention. This premier event for the local region not only benefits our local food producers but enables us to show our fantastic produce and wares. It also attracts enormous numbers of people to our part of the state to experience and learn about the strengths of the western district. Thank you to all volunteers, stallholders, exhibitors and visitors for your support of this fabulous event in the Hamilton district.

Regional and rural roads

Ms KEALY — The Minister for Roads and Road Safety again refused to show his face in the Lowan electorate at the recent regional partnerships meeting. It is clear that our roads are falling apart due to Labor's cuts to VicRoads's budget and their scrapping of the country roads and bridges program. If this government was serious about partnering with rural and regional Victoria, Labor would immediately acknowledge their neglect of our rural roads, reverse their drastic funding cuts and restore The Nationals' highly successful country roads and bridges funding program.

M80 ring-road noise barriers

Mr J. BULL (Sunbury) — We are a government that gets on with it. Before the election we promised \$10 million to build noise barriers at Gowanbrae and Glenroy along the M80 ring-road. For a long time residents had called on the government to help reduce noise levels, improve recreational areas and create a

quieter suburb. On Monday I joined my friend the fantastic hardworking member for Pascoe Vale to inspect the brand-new noise walls. I would like to thank all residents who provided invaluable feedback on this project as well as the construction, design and communications staff who made it possible whilst working through a very chilly winter. We promised to deliver this project. That is exactly what we have done.

Minesco

Mr J. BULL — Next time you are at AAMI stadium, Etihad Stadium, the MCG, Melbourne Museum or the Melbourne exhibition centre think of Minesco in Tullamarine. For over a quarter of a century this family business has been one of Melbourne's leaders in the facade industry, specialising in glass and aluminium curtain wall systems for large-scale construction projects. Minesco has a long history of involvement with iconic commercial and institutional projects right across Australia, including those mentioned and many more. Recently I had the opportunity to meet the team from Minesco to learn more about this fantastic business and ways the Andrews Labor government can support them in creating local jobs for local projects.

Gap Road–Horne Street, Sunbury

Mr J. BULL — By April next year the notorious roundabout at Gap Road and Horne Street will be gone. The roundabout will be replaced with a fully signalised intersection, turning lanes and full pedestrian and bike lanes in all directions. Last month at Sunbury post office I joined nearly 100 locals, who talked to me about the project, and the VicRoads team that was responsible for delivering it. It was clear to me that many have serious safety concerns about the existing roundabout — some even avoid the intersection entirely. We are getting it done.

Punt Road planning overlay

Mr HIBBINS (Prahran) — What a cowardly act by the state government to announce its decision to retain the Punt Road public acquisition overlay at 10 minutes to 5 on Friday afternoon, the dumping ground for bad news. Make no mistake: this is a broken promise by Labor. I read from a media release from just before the last election titled 'Punt Road residents ignored by Napthine', with quotes from the then Labor candidate:

The Napthine government ignored this community — Labor will give them a voice and we will listen to it.

I have spoken to just about all of the residents ... this easement affects, and all they want is certainty.

In March 2015 the Minister for Planning said:

We will give certainty to residents affected by this easement ...

Labor has not listened to the community. They have not given residents any certainty. They have condemned them to years of continuing uncertainty that has already been in place for over 60 years. Yet the planning minister had the gall to say, in announcing the retention of the overlay, 'We're giving certainty to affected residents'. What rubbish.

Our community does not want a six-lane highway cutting through it. Even VicRoads and independent experts could not make a six-lane road stack up. It would be expensive, destructive — destroying over 130 properties — and completely ineffective in reducing traffic. In fact it would massively increase traffic and have next to no impact on travel times. The Punt Road public acquisition overlay must go to give residents certainty.

George Lowcock, Ray Craske and Ron Milligan

Ms COUZENS (Geelong) — I want to acknowledge the recent passing of three great Geelong union and labour comrades — George Lowcock, Ray Craske and Ron Milligan. All three have made significant and lasting contributions to the community of Geelong in many different ways.

George was a strong union man; he was president of Geelong Trades Hall Council and an Australian Manufacturing Workers Union stalwart. There are many metalworkers around Geelong who have fond memories of George and the support and guidance he gave them as young workers. Vale, George Lowcock.

Ray Craske was a teacher and a long-term ALP member who touched the lives of many young people in his community. Ray was always there to lend a hand promoting the ALP, campaigning and volunteering during election time. Vale, Ray Craske.

Ron Milligan was a great activist and a long-term ALP member who also made a significant contribution to his community. Ron was well known for his campaigning on Aboriginal rights and he remained an active member of the Geelong One Fire Reconciliation Group. Ron was an artist whose paintings depicted the Aboriginal history of the Geelong region. His outstanding exhibition *My Back Yard* was hosted by the Gordon TAFE in 2015. Vale, Ron Milligan.

Geelong electorate infrastructure

Ms COUZENS — On another matter, I am proud that the Minister for Education continues his commitment to the Education State. Cranes are dominating the skyline in Geelong. Building has commenced at Geelong High School, and the minister and I turned the sod of the new Geelong Tech School. I also participated in the topping-off ceremony with Built construction and the construction workers at the soon-to-be completed WorkSafe building.

Forest Hill Football Club

Mr ANGUS (Forest Hill) — I recently had the great pleasure of attending the Forest Hill Football Club's 50th anniversary celebration. It was a fantastic night of catching up and reminiscing, with teams of the decade and a team of the half-century being named. It provided a great opportunity for those involved in the club over the last 50 years, whether they were senior or junior players, coaches, committee members or other volunteers and sponsors, to celebrate the achievements and memories of the club. Congratulations to club president Wayne Coleman, the subcommittee that organised this outstanding event and all those involved in or supporting the Zebras over the last 50 years.

Emmaus College

Mr ANGUS — It was a pleasure to recently attend the Emmaus College annual school production, this year *The Little Mermaid*. It was a fantastic production with lots of great acting, singing and dancing. I congratulate all the students, staff and volunteers involved in this production, which played to sold-out audiences at each performance. Well done to all involved.

Forest Hill College

Mr ANGUS — I was pleased to recently attend the Forest Hill College annual school production, this year *Grease*. It was a great production, with lots of energetic acting, singing and dancing. I congratulate all the students, staff and volunteers involved in this production on this tremendous team effort.

Emmaus College

Mr ANGUS — I was delighted to attend the opening of Emmaus College's new senior students' facility, the Galilee learning centre last month. This new centre will provide the college with some outstanding new facilities for the students and staff, including a lecture theatre, open spaces and various classrooms and other teaching spaces. It was blessed and opened by Monsignor Greg Bennet, vicar-general

of Melbourne, Father Julian Langridge and college principal Mr Tony Hirst. I congratulate the Emmaus College community on the completion and opening of this terrific new facility.

Livingstone Primary School

Mr ANGUS — I was pleased to recently attend the Livingstone Primary School year 6 gala, this year *Peter Pan*. It was a terrific production with lots of great acting, singing and dancing. I congratulate all the students, staff and volunteers involved in this production on their great efforts.

Waste management policy

Mr McGUIRE (Broadmeadows) — Record funding for the Environment Protection Authority Victoria (EPA) and tough new laws highlight the Victorian government's response to the dangers of waste stockpiles, dramatically exposed by the evacuation of more than 100 people from their homes in the Broadmeadows district during the recent toxic fire. The Victorian government has established a task force to target waste sites that pose the greatest threat to the community and the environment after the fire at the SKM Recycling facility at Coolaroo that took three days to contain.

New regulatory controls on recycling facilities will soon be announced to minimise the risk to people's health, adding to the Labor government's investment of \$162 million to strengthen the EPA's ability to prevent and reduce harm from pollution and waste. The funding will also help strengthen the EPA's prosecution strategy and support more investigations, environment protection officers and legal staff to hold polluters to account. This is an important response to my call during the Coolaroo blaze for tougher scrutiny, accountability and compliance. The waste management policy will outline requirements for appropriate storage of recyclable materials, require risk assessment by operators and compliance with fire services guidelines.

I would like to acknowledge the coordination and collaboration of all emergency services personnel and the Hume City Council for their response to this emergency. I also want to thank the Premier, the Deputy Premier and Minister for Emergency Services, and the Minister for Energy, Environment and Climate Change for their rapid response, which was quickly appreciated by the Broadmeadows community. The Andrews Labor government is committed to delivering legislation that addresses stockpiling of renewable materials, which is important for all —

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

Hong Kong Special Administrative Region 20th anniversary

Mr GIDLEY (Mount Waverley) — Today in the Parliament I rise to acknowledge the 20th anniversary of the establishment of the Hong Kong Special Administrative Region of the People's Republic of China. Unfortunately I was not able to join Mr Arthur Au from the Hong Kong Economic and Trade Office to mark the occasion due to an event in my electorate running over time. However, today in the Parliament I congratulate the people of Hong Kong on their vast achievements and wish them the very best of success for the future.

Andrew Crossett

Mr GIDLEY — Today in the Parliament I rise to express my deepest condolences to the Crossett family and the Essex Heights Primary School community as a result of the passing of principal Andrew Crossett. Andrew was a highly valued principal, respected leader and trusted friend within the school community. He will be greatly missed. My thoughts and prayers are with all of those who feel his loss.

Government financial management

Mr GIDLEY — Today in the Parliament I again speak out on behalf of the residents of the Mount Waverley district against this government's continued increase in the cost of living. In just three years this government has presided over massive increases in the cost of living through decisions such as increases in taxes on motor vehicle transfers; increases in taxes on electricity production, which is significantly responsible for the closure of the Hazelwood power station and skyrocketing electricity prices; and the removal of stamp duty relief for genuine property transfers between spouses. All of these increases in state taxes and charges and in the cost of living are from a Premier who the day before the 2014 state election was asked whether he could promise no increased taxes or new taxes under a government he led. He said, and I quote:

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

The Premier repeated that pledge often, including when he stood at the Sky News People's Forum pulpit. Sadly, as Victorians grapple with these cost increases, it is clear that this was just another lie from this Victorian Labor government.

Whittlesea health services

Ms GREEN (Yan Yean) — Health services are important to all in the Yan Yean electorate that I represent, but especially in Whittlesea for older residents, families and young people alike, given the federal government defines the township as an area of medical workforce shortage. The Andrews Labor government is taking a number of actions to support the health needs of this great community.

Recently I was pleased to join Dr Brian Murphy from the Whittlesea Medical Centre and the great staff at Lauren Oakley-Abbott's pharmacy, the Whittlesea Amcal pharmacy, who will work closely together to help patients manage their chronic illnesses and medications. The Whittlesea pilot is one of four across the state, including at Kerang, Kilmore and Alexandra, which are working collaboratively to manage chronic disease. I am really pleased to see that this township is being supported through this strong working relationship, and it will particularly help older people.

Last weekend I also caught up with Sue, the welfare coordinator from Whittlesea Secondary College, who told me how great it is that the doctors in schools program is supporting our young people. It has been operating since term 1.

I also welcomed the Parliamentary Secretary for Health, the member for Dandenong, to visit the Whittlesea site of Plenty Valley Community Health to look at their —

The DEPUTY SPEAKER — Time!

National Vietnam Veterans Museum

Mr PAYNTER (Bass) — The National Vietnam Veterans Museum down at Phillip Island should be congratulated for their recent unveiling of the Caribou A4-231 aeroplane that was flown in the Vietnam War, painstakingly restored and put on display at the museum. Volunteers from the museum travelled up to Far North Queensland to dismantle the aeroplane before it was transported down to the island and put back together, a task that some said was impossible and should not be attempted. But tell the volunteers from the museum that something cannot be done, and they will always prove you wrong. Congratulations to Colin Grey, OAM, and his restoration team for their dedication to this task, and congratulations to the museum board and management for their vision.

Bass electorate schools

Mr PAYNTER — The community of Wonthaggi and surrounds continues to rally behind the secondary school in their determination to get funding for a new school. Sausage sizzles, petitions and media articles are appearing weekly as our community expresses its disappointment in the government for failing to deliver the much-needed school. Despite visits to the school by members of this Andrews government and much posturing, the lack of commitment to improving education in our area is clearly evident. The Minister for Education's plan for better education and facilities clearly does not include the Bass Coast.

Member conduct

Mr PAYNTER — If the member for Shepparton wants to question standards in this Parliament, she needs to look no further than in the mirror. By supporting this government in condoning the actions of the members for Melton and Tarneit in rorting the allowance system time and again, she has failed to uphold the community's expectations that members of Parliament should display honesty and integrity. If the member for Shepparton truly represents the people in her electorate, she should support the opposition's move to expel both members from the Parliament —

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

Acid attacks

Ms GRALEY (Narre Warren South) — I have been appalled by the recent spate of acid attacks that have forever changed the lives of innocent women. It is yet another crime resulting from a lack of gender equality. Sadly acid attacks have been carried out for almost 200 years, but in recent years these horrific crimes have been occurring much more frequently. In South-East Asia easily accessible corrosive substances have been used in cases of domestic violence. The victims are overwhelmingly women who have been attacked by a current or past partner. To make matters worse inadequate laws and failures to implement existing laws regularly see the perpetrators get away with this heinous crime. Very little support is provided to the victim, and few avenues exist for them to seek justice or assistance in dealing with their lifelong injuries.

These atrocious crimes are also increasingly occurring in the UK. I was horrified to watch an ABC documentary which reported that there have been at least 1800 reported cases of household items like bleach or drain cleaner being used as weapons since

2010. It is thought that many incidents go unreported as urban street gangs have adopted acid as a weapon of first choice. The mayor of London has called for a zero-tolerance approach to combat acid attacks. Mayor Sadiq Khan has asked for tougher sentences with clear guidelines for judges, a clampdown on the sale of corrosive substances and more support for victims.

If this can happen in the UK, there is no reason it cannot happen right here in Melbourne. In fact we have seen a young mother and her six-year-old son attacked with acid in their home in Northcote and a man doused with acid in his home in Dandenong. It is vital that we take action to not only prevent such attacks from occurring but ensure justice for anyone attacked. No woman should have to experience the nightmare of losing her smiling face.

Portland aluminium smelter

Ms BRITNELL (South-West Coast) — Last week I had the pleasure of visiting Portland Aluminium to see firsthand the brilliant work that is being done to get the smelter back online following December's catastrophic power outage. I am pleased to report that the work to repair the smelting pots is expected to be completed by the end of this week. It has been a tough few months for the staff, but what I saw last Wednesday was a reflection of the attitude of people from my electorate — heads down and working around the clock to get on with the job.

The recovery has been a huge team effort, with the plant manager, Peter Chellis, and staff from every department at the smelter working together to ensure full production of its world-class aluminium. One of the supervisors, Danielle, told me it had brought the staff even closer together, with people working alongside others they would not normally work with and in areas they do not normally work in. They said this has given everyone a better appreciation of what everyone does at the smelter. While full production is the ultimate goal, we also cannot forget that the smelter's future is only secure for the next four years. A cheap and reliable energy supply is critical to ensure the smelter can continue producing well beyond 2020. There are too many jobs and too much economic activity dependent on the smelter for us to forget about this dire need.

In January the Premier said he had committed his whole team to working on the energy issue, and I note there was money in the budget to explore energy sources for the smelter, but we cannot wait any longer. The last thing the staff and the Portland community need is uncertainty like there was leading up to January. I understand the focus has been on getting the smelter

back to full capacity, and now that that is on the horizon we need to start looking to the long term.

Western Health Foundation and BreastWest

Ms SULEYMAN (St Albans) — Congratulations to the Western Health Foundation and BreastWest on raising over \$100 000 at the Night of Nights fashion gala. I commend the important work that they do in supporting services to women across the west.

Western Eagles Football Club

Ms SULEYMAN (St Albans) — On another matter, congratulations to the Western Eagles Football Club in Albion on their 1500th game. The day was full of celebrations, and I commend the players, volunteers and committee members for building a great club for all. Across Victoria, and particularly in the west, our clubs play a very vital role in uniting, supporting and improving the health and wellbeing of young people.

Education awards

Ms SULEYMAN (St Albans) — As the Andrews Labor government strives to build an education state, I would like to thank the recipients of this year's service to the public education sector awards, in particular in the west, Ms Marion Treiber from Furlong Park School for Deaf Children, Ms Lorraine Bell from Monmia Primary School, Ms Laureen Thompson from St Albans East Primary School, Ms Kerrie Dowsley from St Albans Secondary College, Ms Gail Shaw from Sunshine North Primary School, Ms Alfrieda Caban from Victoria University Secondary College for 40 years of service; and Ms Rasma Melderis from Albion North Primary School for 45 years of service and dedication to public education in the west. Thank you for your contribution and in particular for decades of hard work and devotion in making sure that public education for young people in the west is particularly of high standards and of great value.

STATEMENTS ON REPORTS

Public Accounts and Estimates Committee: financial and performance outcomes 2015–16

Mr MORRIS (Mornington) — It is a pleasure to rise this morning to again make some comments on the Public Accounts and Estimates Committee *Report on the 2015–16 Financial and Performance Outcomes*, which was tabled in May of this year, and indeed I had the opportunity to make some comments on this report in June. In those comments I referred particularly to what I view as an unacceptable practice which has developed

under this government either to not respond at all to questions on notice, or to respond in an indirect way, a way that does not provide the information sought by a parliamentary committee — in this case, the Public Accounts and Estimates Committee. It seems that if the government does not like the question, it might not get answered. If it does not show the government in a good political light, it might not get answered.

Alternatively, if it is answered, frequently the material provided is so meaningless and so irrelevant to the question that was in fact asked the questioner simply throws up their hands in disgust and walks away. They realise that it is too hard a battle to fight. That certainly is a practice that appears to be continuing. Indeed the disgraceful failure to respond in any meaningful way at all to very legitimate questions on code 1 and code 2 ambulance call-outs is an excellent example of that. I think a one-pager or perhaps a slightly longer response was provided. In subsequent hearings when the department was tackled on this, they simply indicated that they thought the information sought by the committee was too complex and we would not be able to understand it, so they did not provide it. That is unfortunately a habit which appears to be coming even more and more entrenched.

It is fair to say, though, that we did in fact have a little more success with some other matters. The labour market program is an area that has been of interest to the committee for some time, and finally in these outcomes hearings there was some information about the Future Industries Fund, which the committee had in fact been seeking for quite some time. I can understand why it took quite so long to actually prise information out of the government because, as the committee notes in its report, the department did not meet its target of 100 companies being supported by the Future Industries Fund in 2015–16. In fact only 50 companies received Future Industries Fund support in 2015–16. But when you look at the slightly more granular information, you can see that the picture is not even as rosy as that. In fact the numbers drop down to 35. While a total of \$20 million has been allocated for this fund, we see from the answers, as I say, that were grudgingly and finally submitted, a grand total of \$682 000 in funding has been announced and that has led to a grand total of 35 jobs. So we have a \$20 million program, \$682 000 spent, 35 jobs created and apparently 50 companies supported but not even one job per company on that basis.

The other matter that I will just touch on briefly is the matter of employment numbers in the Victorian public service. Entities are required to publish annual reports. Those that do not publish annual reports are supposed to have their employment numbers included in the

departmental reports. But our review of this area indicates that quite often offices and agencies that publish their own annual reports also have staff numbers included in the parent department reports. In some cases those that do not in fact publish their own reports do not have their numbers included in the parent report as well, so those staff apparently are not there, and frequently data from offices and agencies is not disaggregated as required. If nothing else, we need a complete and accurate picture of the formation of the Victorian public service. This is a matter the government needs to address.

**Public Accounts and Estimates Committee:
budget estimates 2016–17**

Ms GRALEY (Narre Warren South) — I rise to make a contribution on the Public Accounts and Estimates Committee (PAEC) report entitled *Report on the 2016–17 Budget Estimates*. I say at the outset that I am very much looking forward to the new report arriving in the house soon, because I know the committee has done a lot of hard work.

Mr Pearson interjected.

Ms GRALEY — As the member for Essendon is telling me, it will be a page-turner, so I look forward to picking it up and having a good look at it. I went back and had a look at the reports during the break. You often get distracted by the big-spending departments — the big service delivery departments of health, education and human services — but I took the time to have a look at the creative arts space, because the smaller portfolio areas nevertheless make a significant difference to people's lives. What they do and how the money is spent are very important to so many people and to so many communities. I had the advantage of being able to read the recent contribution by the Minister for Creative Industries at the more recent PAEC hearings as well. At each stage he referred back to the *Creative State* strategy.

I had a look at the strategy again and I have to say what a terrific strategy it is. It embraces all the wonderfully diverse cultural organisations in Victoria, the creative state, but it also makes sure that the strategy looks beyond Melbourne, beyond the National Gallery of Victoria (NGV), and goes out to the suburbs and out to the regions. It recognises that creativity and cultural activity really do enrich us all. They inspire us and help us to build stronger, more cohesive communities. I am very fond of quoting the minister in this space. In his foreword to the *Creative State* strategy, he said:

Creative and cultural industries can be life-affirming, life-changing and life saving.

At the recent hearing the minister updated the committee on just how important the creative industries are to Victoria. He said the sector delivers \$22.7 billion of gross value to our state and employs 220 000 Victorians. There is now \$1.4 billion worth of creative industries export generation and almost \$1 billion worth of inward-bound investment in tourism. One of the major reasons people cite for their visit to Victoria is our cultural and creative offerings. Members, like me, have probably been down to the NGV and experienced the *Van Gogh and the Seasons* exhibition, and we are not alone. Over a quarter of a million people have visited the NGV and had the pleasurable and enriching experience of seeing the works of Van Gogh in their very own capital city.

In fact the NGV is ranked as the number one gallery in Australia, and it is now in the top 20 galleries in the world. It is an outstanding result, and it did not just happen because they are great at creating exhibitions down there — because they have got a very, very talented team — but they now also have behind them a very supportive government that is providing them with the funds to be more creative and more innovative. I am very much looking forward to what I know will be a spectacular exhibition coming up in the summer.

It is very important that we think about the creative state as a whole state. I am very, very impressed by the fact that outer metropolitan areas, including my own electorate, will be getting funding so that artistic troupes and exhibitions can visit the outer suburbs. In Narre Warren South we are very much looking forward to the arrival of Circus Oz. I know there are a lot of people that enjoy Circus Oz, and I am certainly one of them. I would like to say thank you to the minister for making sure that the people of the outer south-east, for the very first time, are going to be able to access this event in their local community and to have that really fun, exciting experience with their family of being part of Victoria, the creative state. I commend the report.

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

Ms RYAN (Euroa) — The committee report I would like to speak to today is the Environment, Natural Resources and Regional Development Committee's *Inquiry into the CFA Training College at Fiskville*. I note in that report the committee made the observation that:

The CFA is not simply a uniform organisation or corporation. It is made up of hundreds of individual brigades, over 60 000 volunteer firefighters and a smaller

number of paid firefighters, whose skills and service Victoria cannot do without.

The committee, as the house well knows, was chaired at the time by the member for Thomastown and included the members for Eltham and Mordialloc. The report recognised, a little over a year ago, the intrinsic value of the current structure of the Country Fire Authority (CFA) and the importance of retaining our volunteer firefighting capacity. In the opening statement of the report the committee also said:

Firefighters and other operational members have been exemplary in carrying out their responsibilities to protect communities, recently battling some of the biggest fires in Victoria's history ...

So you have to ask: what has changed in just over a year since this report was tabled? How have those same volunteers suddenly gone from being exemplary in their responsibilities to, according to the government, unable to keep Victorians safe or unable to meet targets? Why do the government MPs who were involved in this inquiry, some of whom are in the house and who lauded the efforts of the grassroots CFA in that report, now back the Premier's plan to smash up the fire services?

I believe that in an effort to justify the reforms that the government is seeking to make it has stooped to unimaginable lows, like providing data to the select committee that has been formed in the upper house to inquire into the government's bill, which claims there have been, and I quote from the Victorian government's submission:

... briefings and engagement sessions, at which over 730 brigades were represented, conducted across the state by the regional leadership of CFA. These provided the opportunity for over 35 000 volunteers to engage with the proposed reforms.

The document included a detailed map of the location of the brigades represented at the briefings and a detailed list of the brigades, including the number of members at each brigade who were apparently engaged and had the opportunity to have their say on these reforms. But the figures, as we now know, were wildly manipulated. They were arrived at by assuming that briefings occurred at group meetings, and then that was extrapolated so that the assumption was that each of the brigades in the group was briefed. The number of volunteers, supposedly members of each of those brigades that been briefed, was then arrived at.

The Benalla, Mansfield and Wangaratta groups cottoned on to this deliberate fabrication of figures and called the government out on it. I would like to seek leave to table a letter from the Mansfield group which expresses their concerns about the fabrication of this

data. It also outlines that at many of the meetings at which the government claimed they were in fact briefed about Labor's proposed changes to the fire services those reforms were not even discussed.

The DEPUTY SPEAKER — The member for Euroa can make the document available to the house.

Ms RYAN — I seek leave that it be tabled and incorporated into *Hansard*.

Mr Nardella interjected.

The DEPUTY SPEAKER — We cannot do that during committee reports.

Ms RYAN — Then I would like that document made available to the house, but I will also read excerpts.

The DEPUTY SPEAKER — The document will be made available to the house.

Ms RYAN — I am happy to provide a copy of it for the house shortly, but I would like to point out that in that letter they questioned how extensive the fabrication of data had been. They knew that the numbers across their own group had been falsified, but they also believed that they had been falsified across other parts of the state, so I decided to audit some of my own brigades and speak to some of the captains to see whether they believed that the numbers stacked up for them.

I spoke to the captain of the Avenel brigade — and these are brigades that are outside district 13. They were horrified; they were stunned. There were no meetings held and no briefings. The captain of the Seymour brigade said exactly the same thing. These were blatant lies put forward by the government.

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

Public Accounts and Estimates Committee: financial and performance outcomes 2015–16

Mr PEARSON (Essendon) — I am delighted to make a contribution on the Public Accounts and Estimates Committee *Report on the 2015–16 Financial and Performance Outcomes*. This document was produced in May this year. By way of background, the Public Accounts and Estimates Committee has two primary functions. One is to hold the executive to account in terms of prospective expenditure across the forward estimates; the other is to look at the way in which public moneys were spent in the previous financial year.

This document is quite important because it gives some sense of the way in which the economy is currently structured and the way in which the government is discharging its obligations and duties. It also gives a sense of some of the challenges that might be emerging in the future. Again it is a moment in time; it is looking in this case at the 2015–16 year. But it does provide some insight in terms of the economy. I draw the attention of the house to finding 5, which states:

Victoria's population growth was a key factor in overall employment growth and the main driver behind employment increases in the healthcare and social assistance and construction industries for 2015–16.

What becomes apparent to any member who has been a member of the Public Accounts and Estimates Committee — and I include the members for Kew and Gippsland South — is that population growth is a key driver for the economic prosperity that we are currently experiencing. I raise this point in the context of looking at the document that the members for Kew and Gippsland South have produced entitled *Looking Forward 2050: Managing Population Growth for All Victorians — Interim Report of the Victorian Population Policy Taskforce*. When I turn to page 10 of this document there is a statement which says:

... it would be remiss not to report that in almost every forum, the extent of overseas migration was questioned, with a number of people considering it excessive.

The report goes on to talk about the various problems associated with population growth, and then it makes the interesting observation:

The increasing number of overseas-born new Victorians brings a new dimension of multiculturalism. Figure 4 shows increases in people from major geographic regions over the period 2001–2011, showing the number of immigrants from Asia, Africa and the Americas steadily increasing.

This begs a question. Clearly population growth is a key driver for the economic prosperity we are experiencing as a state. I am curious as to why the members for Kew and Gippsland South seem to have been particularly drawn to Asian migration, African migration and migration from the Americas in identifying and highlighting the alleged malaise caused by population growth. I wonder whether they are actually suggesting in this document that we should cut Asian migration. Are they saying that we should cut African migration? Are they saying that we do not want anyone from Latin America to come to this nation?

It is very disturbing and concerning that the members for Kew and Gippsland South would seem to be indicating that they want only some sort of migration occurring — migration from the old country perhaps.

Maybe it is fine if we have population growth provided it is from England or Ireland or Scotland or Wales. Are they suggesting that it is quite concerning from their perspective that Asian migration, African migration and migration from the Americas is too high? That would be somewhat concerning. I think that would have a deleterious impact upon the state of the economy.

I also refer to finding 8, which talks about the Future Industries Fund for 2015–16. This is a policy decision by the government to look at making targeted investments to support specific industries that have got export growth potential and employment growth potential.

Again, I refer back to page 25 of the *Looking Forward* document, which talks about the success of the Victorian Development Corporation, which led to its amalgamation with the Victorian Promotion Committee to become the Victorian Economic Development Corporation (VEDC) in 1981. I might be showing my age here, but I do seem to recall that the VEDC did get into a spot of bother in the late 1980s. I think it ratcheted up losses in the order of about \$200 million or \$250 million. The VEDC came to be seen as the investor or the lender of last resort. I do wonder whether the member for Kew and the member for Gippsland South are seriously suggesting that we go back and revive the VEDC — a clunky, bureaucratic organisation and the lender of last resort. Is this modern, progressive economic theory being promoted by the coalition? Is this the future for economic policy in this state?

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

Family and Community Development Committee: services for people with autism spectrum disorder

Ms McLEISH (Eildon) — I am very pleased to rise today to speak on the second report put forward by the Family and Community Development Committee, of which I am the deputy chair, and at the time of the tabling of this report, as you know, Deputy Speaker, you were the chair of the committee. I am going to speak on the inquiry into services for people with autism spectrum disorder, which I will refer to as ASD. It was tabled in Parliament on 22 June, which was the last day before the winter recess.

This was a fairly extensive inquiry, spanning some 18 months, which is really indicative of the attention that this topic deserves. The referral came from the Legislative Council and was put forward by Ms Wooldridge, a member for Eastern Metropolitan Region. It was supported by all parties. By way of

background, we received 154 submissions and we held 11 public hearings in the city and in regional areas including Geelong, Bendigo, Shepparton, Morwell and Swan Hill. We conducted a number of site visits to special schools and regular schools that run programs specifically for autism. Moomba Park Primary School particularly comes to mind. We went to autism-specific schools, such as the Northern School for Autism. We went to the Kalianna School in Bendigo. We visited Mansfield Autism Statewide Services (MASS). We also looked at alternative forms of education, and EdSpace in Benalla comes to mind quite quickly.

We made 101 recommendations. Before I actually talk a little bit more about some of the detail, I want to acknowledge very much those who contributed through submissions and hearings and hosted us on visits. We heard from a number of people with ASD, of all ages. It was particularly enlightening to see people with ASD; those of younger ages included children who came and presented, but we also had older people who have been living with autism all their lives. Some of these people were in employment, and some were not. Some were parents, and some were parents of autistic children as well. We heard from families of those with ASD and their carers. Sometimes we heard from one parent, and at other times both parents came in and shared their experiences. We heard from many organisations and health services, researchers, academics, support services and schools. So I thank everybody who contributed in that way.

I want to turn my attention to the secretariat that supported us. Dr Greg Gardiner is the executive officer. We started with Dr Kelly Butler as the research officer, but Kelly took a role with the Auditor-General. I also thank Rachel Macreadie and Pamie Fung, who were helping us in that role, and Helen Ross-Soden, who is the administrative officer. The roles, work, diligence and memories of those staff were particularly impressive.

I also want to thank my fellow committee members because this was, as I said, a long inquiry. In particular I thank the member for Bendigo West, the Deputy Speaker, the chair of the committee at the time, for her work and effort in pulling this together, along with other members, including Bernie Finn in the upper house; the members for Geelong and Frankston; the member for South-West Coast, who joined us; and the member for Lowan, whom we lost along the way.

The purpose and functions of the Family and Community Development Committee, in a nutshell, are about inquiring into, considering and reporting to Parliament anything to do with the family or the welfare of the family or the community. When we look

at ASD in particular we know and we have heard about how much it impacts on individuals and families.

We were to investigate the services available to those living with ASD: what is going on, what is not going on and what are the opportunities. There was an interstate component. We went to the Cooperative Research Centre for Living with Autism (Autism CRC), which is headquartered in Brisbane and is a national organisation looking at autism across the life cycle. It is a wonderful national cooperative effort, with \$110 million of funding over eight years, with the federal coalition government being a major contributor. The support shown by the minister, Greg Hunt, was greatly appreciated there.

There were Victorian participants in that project: La Trobe University, Amaze and the I Can Network. We were able to watch the Secret Agent Society social skills training sessions. There was an international component, where we visited the USA and Scandinavia to have a look to see how we are faring as a country and as a state in this area. It was wonderful to learn that we in Victoria have some of the world leaders in this area. I think sometimes people probably underestimate how well we are travelling compared to some other countries.

Family and Community Development Committee: services for people with autism spectrum disorder

Ms EDWARDS (Bendigo West) — I also rise to make a contribution on the Family and Community Development Committee's recent inquiry into autism services in Victoria. As the member for Eildon has mentioned in her contribution, this was a very in-depth and extensive inquiry spanning a period of around 18 months. As chair of the committee at the time it was clear to me from the outset that the most important thing that this committee could do in terms of investigating and inquiring into services for people with autism was to hear from people with autism themselves. I want to mention that the committee travelled to five regional areas and we had six Melbourne public hearings. We received 154 submissions and we heard from 120 witnesses.

I would also like to express the committee's grateful thanks to all of those who contributed to the inquiry, both through written submissions and at our public hearings, but also to those who hosted us as we travelled across the state visiting different organisations, including research organisations, schools and service providers. I want to express my thanks to the people with autism and their families and carers. It was so important to this committee that their voices were heard. From the response to the

inquiry and the 101 recommendations made in the report it is clear that people with autism spectrum disorder (ASD) across Victoria have been very supportive of and grateful for the inquiry, what we recommended and indeed what we achieved.

I think the biggest challenge for this committee was the diversity of people with autism spectrum disorder. There is a wideranging diversity of ASD, which obviously requires a very significant and detailed approach and a comprehensive look at the service delivery models needed to meet the needs of every person in Victoria who has ASD. While the committee obviously understands that the national disability insurance scheme (NDIS) will support many people with ASD, particularly those with comorbidities such as intellectual disability, we know that there are many people with ASD, particularly young children, who will not meet the criteria for the NDIS but who we realised through our findings also need significant support.

What we found in the inquiry was a significant lack of support, particularly in the early stages. That includes identification of autism and a recognition that autism needs further services as young people grow older. It is not just the recognition; it is also diagnostic services and then on top of that of course a shortage of qualified diagnostic clinicians across Victoria and particularly in regional Victoria.

The other call that we heard from people with ASD was the need for early intervention and behavioural support services, something that we found was available but often expensive, hard to access and very challenging for people in regional communities. We also noted that there was a lack of knowledge about what ASD is and what that means for people with ASD. One of our recommendations, which we were strongly in favour of, was to make sure that a community education program was rolled out to ensure that people within our community understand what ASD is, how people with ASD might present and what supports we need to put in place at a community level to make sure that people, particularly young people, with ASD are supported.

What came through loud and clear in this report was that any decisions that are made about services or programs for people with ASD must include their voices.

DOMESTIC ANIMALS AMENDMENT (RESTRICTED BREED DOGS) BILL 2017

Statement of compatibility

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter), I make this statement of compatibility with respect to the Domestic Animals Amendment (Restricted Breed Dogs) Bill 2017.

In my opinion, the Domestic Animals Amendment (Restricted Breed Dogs) Bill 2017, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The bill will amend the Domestic Animals Act 1994 (the act) to:

- a. further provide for the keeping, registration and identification of restricted breed dogs in Victoria;
- b. clarify the 'dangerous dog' status of guard dogs that are retired to residential premises;
- c. increase relevant payments made by councils to the Treasurer under the act; and
- d. deal with other minor and related matters.

Human rights issues

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

The right to privacy and freedom of expression

Section 13(a) of the charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. An interference with privacy will not be 'unlawful' where it is permitted by a law which is precise and appropriately circumscribed. Interferences with privacy will not be 'arbitrary' provided they are reasonable in the particular circumstances, and just and proportionate to the end sought.

Section 15 of the charter provides that every person has the right to freedom of expression, which includes the freedom to impart information and ideas of all kinds. The right has also been held to include the right not to impart information. However, special duties and responsibilities attach to this right; the right may be subject to lawful restrictions reasonably necessary to respect the rights of others or for the protection of public order and health (amongst other things).

The rights to privacy and freedom of expression may be relevant to the extent that the bill inserts provisions that have the effect of requiring persons to provide certain information about 'dangerous dogs' they have in their possession or those they seek to sell or otherwise transfer to another person.

Specifically, clause 6 of the bill amends section 34A of the act to clarify that the definition of a 'dangerous dog', which includes a dog that is kept as a guard dog for the purpose of guarding non-residential premises, or has been trained to attack or bite any person or anything when attached to or worn by a person, extends to dogs of this kind that are now retired. The consequence of this amendment is to ensure that the provisions of the act that apply to owners of dangerous dogs apply to owners of retired guard dogs. These obligations relevantly include, in section 37(2) of the act, obligations to notify local council in the event of developments such as the owner changing address, the dog going missing, or the ownership of the dog changing; and in section 39 of the act, an obligation to display a warning sign that a dangerous dog is kept on premises. Clause 7 of the bill also inserts a new section 37(1BA) into the act, to provide that an owner of a dog that has at any time been kept as a guard dog must notify the local council in which the dog is being kept within 24 hours of commencing to keep the dog in that municipal district.

In addition, clause 8 of the bill makes it an offence for a person to sell or otherwise transfer a dangerous dog to another person without first advising the other person, in writing, that the dog is a dangerous dog. The purpose of this provision is to ensure that any person who takes ownership of a dangerous dog is aware that the dog is a dangerous dog and will therefore be aware of their obligations under the act and the regulations with respect to that dog.

In my view, clauses 6, 7 and 8 do not limit the rights to privacy or freedom of expression. Although clause 6 extends certain obligations to a broader range of dog owners, it does not increase the scope of the applicable regulatory provisions. Therefore, I do not consider it to give rise to any interference with the right to privacy. If a contrary view is taken, and clause 6 is considered to interfere with the right to privacy, in my view any such interference is neither unlawful nor arbitrary; the applicable regulatory provisions that apply to dangerous dogs are clearly set out in the act, and serve the clear and important purpose of upholding public safety. Guard dogs are deemed dangerous dogs on the grounds that they are taught or have a natural propensity to guard and/or to be aggressive. It is imperative that the general community is protected from these dogs, even after retirement. Further, clause 8 is a clear and necessary amendment; as such it is neither unlawful nor arbitrary and so does not limit the right to privacy.

Further, although the effect of these clauses is to impose requirements to impart information, in my view they do not limit the right to freedom of expression. The requirements are reasonably necessary in the interests of public safety and the responsible ownership of dangerous dogs, thereby falling within the internal qualifications on the right to freedom of expression.

The right to property

Section 20 of the charter provides that a person must not be deprived of their property other than in accordance with law. A deprivation of property is in accordance with law, and therefore does not limit this right, if the powers which authorise the deprivation are conferred by legislation or common law, are confined and structured rather than arbitrary or unclear, and are accessible to the public and formulated precisely.

Clause 13 is relevant to the right to property as it amends section 80 of the act to provide that if an authorised officer of a

council reasonably believes a dog to be a restricted breed dog, they may seize the dog for the purpose of determining whether or not the dog is a restricted breed dog. The act provides for owners of such dogs to be notified of the seizure and of the relevant recovery requirements. Clause 15 then amends section 84L(2) of the act to provide that if the dog is a restricted breed dog, it may be held until it is destroyed under division 6 of the act if the owner is not able to be identified for the purpose of being served with a declaration that the dog is a restricted breed dog (and that certain ownership requirements therefore apply). In my view, any deprivation of property occasioned by these clauses will be in accordance with law and therefore do not limit the right to property. The power to seize and destroy dogs in accordance with the amended provisions is clear and necessary in order to protect the public from restricted breed dogs that are being kept by owners who either do not know the nature of the dogs in their possession, or are failing to comply with the requirements that attach to the ownership of such dogs, or simply cannot be identified.

Clause 17 is also relevant to the right to property as it amends section 84O of the act to provide that a restricted breed dog or dangerous dog must be destroyed if it has been seized and the owner has failed to recover it in accordance with the relevant recovery requirements under division 5 of the act. The power to destroy a restricted breed dog or dangerous dog in these circumstances is necessary as such dogs cannot be housed indefinitely or rehoused, particularly given the nature of the dogs in question and the specific requirements that relate to them. Clause 17 further provides that a dog or cat (other than a restricted breed dog or dangerous dog) must be either sold or destroyed if it has been seized and the owner has failed to recover it in accordance with the relevant recovery requirements under division 5 of the act. This power is also necessary as animals that have not been recovered by their owners cannot be housed indefinitely. The consequences that flow from a failure to recover an animal in each of these circumstances are clear and reasonable; therefore, in my view any resulting deprivation of property occasioned by clause 17 will therefore be in accordance with law and, as such, does not limit the right to property.

The Hon. Jacinta Allan, MP
Minister for Public Transport

Second reading

Mr PAKULA (Attorney-General) — I move:

That this bill be now read a second time.

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

The government is following through on its commitment to allow for the registration of restricted breed dogs in Victoria, including the American pit bull terrier, Japanese tosa, fila Brasileiro, dogo Argentino and presa Canario, while retaining other protective measures.

There is a need to balance supporting the benefits of dog ownership and protecting the community from dangerous dogs and irresponsible dog owners. There is also a need to protect dogs that may be in danger of being euthanised when the moratorium ends on 30 September 2017.

The bill follows the recommendation of the parliamentary inquiry conducted by the Economy and Infrastructure

Standing Committee. This bill is consistent with the recommendation to keep other restrictions related to the ownership and management of restricted breed dogs. This means that owners of restricted breed dogs, such as pit bulls, will still be required to have mandatory signage on their property, microchip and desex their dogs and ensure their dog wears a mandatory collar. Restricted breed dogs must also be muzzled and leashed when outside of their properties.

These protections will ensure that the community continues to be safe.

There is currently confusion in the community regarding the retirement of guard dogs, and their status as dangerous dogs. Under the act, a guard dog refers to a dog kept for the purpose of guarding non-residential premises.

It is the intention of the act, that once deemed dangerous, the dog will always be deemed dangerous. This bill clarifies this, by ensuring that owners of guard dogs who have retired their dog from guard duties, must continue to register their dog as dangerous for its lifetime.

The bill will also increase the existing payments to the Treasurer to \$4 annually for both dogs and cats. This payment has not been increased since 2010.

The payment is used to fund a world-class program to educate expectant parents, preschool and school-aged children on dog safety and responsible dog ownership. In 2016–17, DEDJTR provided programs to around 2200 preschools, 900 schools, 70 hospitals and 500 maternal and child health centres in Victoria.

The payment is also used for promoting responsible dog and cat ownership and animal welfare, research into domestic animal management and the administration of the act.

I commend the bill to the house.

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

Debate adjourned until Wednesday 23 August 2017.

DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REAL-TIME PRESCRIPTION MONITORING) BILL 2017

Statement of compatibility

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter), I make this statement of compatibility with respect to the Drugs, Poisons and Controlled Substances Amendment (Real-time Prescription Monitoring) Bill 2017.

In my opinion, the Drugs, Poisons and Controlled Substances Amendment (Real-time Prescription Monitoring) Bill 2017, 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 amends the Drugs, Poisons and Controlled Substances Act 1981 (the act) to:

- (1) provide that the secretary may establish a database relating to the monitoring and supply of certain poisons and controlled substances and provide for information to be included on the database;
- (2) provide for access to the database by health practitioners and other persons prescribed by the secretary; and
- (3) require particular professionals to report potential misuse of certain drugs of dependence and poisons.

Human rights issues

The right to privacy

Section 13(a) of the charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. An interference with privacy will not be 'unlawful' where it is permitted by a law which is precise and appropriately circumscribed. Interferences with privacy will not be 'arbitrary' provided they are reasonable in the particular circumstances, and just and proportionate to the end sought.

The right to privacy is relevant in relation to a number of the provisions in the bill. However, for the reasons set out below, none of the provisions in the bill limit this right, as any interference with privacy is neither unlawful nor arbitrary.

Creation of database and disclosure of information by the secretary

Clause 5 inserts a new section 30A into the act, which permits the Secretary to the Department of Health and Human Services to establish a 'monitored poisons database'. The database may contain a variety of information, including records of: the supply of a monitored poison; permits and notifications relating to the supply of, and treatment with, poisons and controlled substances; warrants applied for and issued by the secretary in relation to the supply or treatment of persons with poisons and controlled substances; and any other information prescribed by regulation. The database will contain personal details of persons being supplied monitored poisons and drugs in accordance with the act, including health and medical information.

Within clause 5, proposed section 30B provides that the purpose of the creation of the database is to promote safe supply, prescription and dispensing practices, reduce harm from monitored poisons and other high-risk medication, and facilitate evaluation and research into monitored poisons.

New section 30B gives the secretary power to: collect and store information required for the database, require a prescribed person (or class or entity) to provide information to the database, prescribe certain records or information to be provided to the database, and use and disclose any information on the database that is reasonably necessary to implement and oversee it.

Both the power to obtain and to disclose this information engage the right to privacy. The right is engaged by the requirement that personal information, which in many cases is

likely to be information associated with medical treatment, be provided to a central repository, and also by the power of the secretary to disclose that information in certain specified circumstances.

However, any interference to the right to privacy occasioned by the establishment of the database and the secretary's powers in relation to the database will be lawful, as the powers are appropriate, circumscribed and precise. Additionally, any interference will not be arbitrary as the database serves several legitimate purposes as set out above. Further, the secretary's powers under new section 30B(2) to collect, use and disclose this information can only be exercised for the purposes of establishing and maintaining the database and furthering its purposes set out in new section 30B(1). For this reason, in my opinion clause 5 is compatible with section 13 of the charter.

Access, use and disclosure of database information by other parties

The information on the database can be accessed by pharmacists, registered medical practitioners, or nurse practitioners for reasons specified in the bill (new section 30C in clause 5) and the database must be checked by these professionals (as well as authorised suppliers) before the supply of any monitored poisons (new sections 30E-30H).

The bill intends to ensure that the relevant health professionals will consider the information contained on the database before supplying a monitored poison. The database is intended to be a clinical decision support tool, which will promote safe supply, prescription and dispensing practices, and reduce harm from monitored poisons and high-risk medication.

The information may also be accessed by prescribed entities or persons authorised by the secretary (or classes of such entities or persons) for reasons prescribed in the regulations or the authorisation (new section 30C(3)-(5)).

While these provisions also engage the right to privacy because they involve the access, use and disclosure of confidential personal information, they similarly do not limit that right. This is because the access to personal information authorised by proposed section 30C is neither unlawful nor arbitrary. The access to personal information is authorised for a confined purpose to specific professionals, or to persons or entities authorised or prescribed. The secretary only has power to provide that authorisation where satisfied of certain circumstances, and it is an offence for anyone to access use or disclose information if they are not authorised to do so by the act.

Under proposed section 32A, notifications must also be given by pharmacists, registered medical practitioners, or nurse practitioners to the secretary in circumstances qualifying as a 'reportable drug event', which may require the provision of certain personal information to the secretary. A reportable drug event occurs where requests are made of pharmacists for certain drugs in greater quantity or frequency than is necessary, where a medical practitioner believes their patient is a drug-dependent person seeking certain forms of treatment, or in circumstances prescribed by the secretary. These notification requirements replicate requirements which previously were provided separately by sections 33 and 36. The notifications to the secretary may form part of the database: (new section 30A(2)(b)). The purpose of the provisions is to ensure that the potential misuse of certain

drugs is centrally reported and can be included on a single database, to better protect against misuse. Given that the circumstances in which this notification is required are prescribed by statute or notice published in the *Government Gazette*, and taking into account the important purpose the provision serves, such notifications, to the extent that they amount to a disclosure of personal information, do not limit the right to privacy.

Finally, proposed section 42A permits the information on the database to be accessed by officers authorised by the secretary for the purpose of ascertaining whether the act, regulations and related acts are being complied with. For the same reasons set out above, this provision does not limit the right to privacy.

Accordingly, I consider that neither the creation of the database nor the use, access or disclosure of the information that will be contained on it limit the right to privacy.

The right to a fair hearing

Section 24(1) of the charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding determined by a competent, independent and impartial court or tribunal after a fair and public hearing. For civil proceedings, the fair hearing right in section 24(1) of the charter encompasses an implied right of access to the courts.

New section 30J provides that various health practitioners are not liable for anything that they do in good faith in carrying out a duty or function relating to the monitored poisons database in accordance with the act or regulations. The section provides health professionals with a general immunity from liability, including for liability relating to professional etiquette or ethics obligations and defamation. The limitation of that liability confines claims that might otherwise have existed under statute or general law. As such, it affects the substantive content of legal rights which may otherwise exist in limited circumstances rather than limit a person's access to the court to determining existing rights.

For these reasons, I consider that the new section does not engage the right in s 24.

The Hon. Jill Hennessy, MP
Minister for Health

Second reading

Ms HENNESSY (Minister for Health) — I move:

That this bill be now read a second time.

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

Far too many Victorians have lost loved ones, needlessly, to prescription drug overdoses; and on too many of these occasions, potential opportunities to detect misuse of prescribed medicines, and the warning signs of addiction, were missed. Through earlier detection and intervention, we can save lives.

By implementing a real-time prescription monitoring system, this bill will help us do just that. It will enable prescribers and pharmacists to review dispensing records for high-risk

medicines, to help them make better informed, safer clinical decisions at the critical moment of consultation or dispensing.

The scale of this problem is immense. In 2016, prescription medicine overdose resulted in the loss of 372 Victorian lives. This is an alarming figure, higher than the number of overdose deaths involving illicit drugs (257) and even higher than the road toll (291).

As alarming as these statistics are, statistics obscure the grief and the very real human tragedies they record.

I want to share just one of those stories, to illustrate why this legislation is so desperately needed.

In 1994, Simon Millington was an 18-year-old auto-electrician and son of farmers from Nhill, when he crashed his car on a country road and suffered devastating injury. After weeks in hospital and numerous operations, he became addicted to his pain medication and other drugs.

His mother, Margaret, describes that for the next 16 years Simon's life was a roller-coaster involving numerous attempts at drug rehabilitation, and chaos for the family as they tried to rescue him.

The family was determined to save him. In 2008 Simon found that he was the father of Maddie, a four-year-old girl, and this seemed to be a turning point for him. When he left a six-month treatment in rehabilitation, he came home to work on the farm and volunteered to help others in rehab.

He was a doting father and desperately wanted to stay well for his daughter Maddie. But addiction crept back into their lives and he started prescription shopping again. Sadly, the family lost their battle to save Simon: in 2010 he died of an accidental overdose of oxycodone.

I would like to express my deepest condolences to the Millington family — and the families of so many other Victorians with similar heart-wrenching stories — for their loss. The burden of grief is hard to imagine, and one no family ought need to bear.

Margaret and John Millington, Simon's mother and father, have been tireless advocates for real-time prescription monitoring ever since his death, and I take this opportunity to record my deep admiration and heartfelt thanks for their efforts in bringing this issue to the fore on behalf of so many.

In his mother's words: 'His life mattered, and that is why I do what I do for others in similar circumstances'.

On more than 30 occasions, Victorian coroners have also recommended real-time prescription monitoring to prevent the unintentional prescription drug overdose deaths of people whose drug use was uncoordinated, or were obtaining dangerous prescription drugs from unwitting multiple prescribers and pharmacies.

Such tragedies are often the result of a desperate attempt to manage pain following an accident or injury, and might have been avoided with earlier intervention and support.

I have been heartened by the courage and determination of many parents and families to change things for the better, and to do whatever they can to prevent the deaths of others in similar circumstances. Their support and involvement is vital to

changing mistaken preconceptions about the problem of misuse of prescription medicines, and helping to create an empathetic climate for acceptance of monitoring by the community. It is also essential to encourage an effective and respectful response by health professionals monitoring their patients.

The Andrews Labor government is committed to doing all we can to prevent further tragedies by implementing real-time prescription monitoring in Victoria.

At its core, this means linking prescribing and dispensing data to support clinical decision-making and allow doctors and pharmacists to identify patients struggling with their misuse, or progressing towards high-risk use of potentially dangerous medications.

Work is well underway to design and build the system, as well as developing the support and training for our GPs and pharmacists, and this will be completed by 2018.

While the monitoring system is essential, it is not sufficient on its own. This tool will identify patients who require support and treatment for their high-risk medication use, and in many cases, drug dependence. These patients require empathetic, respectful and skilled professional assistance to manage their high-risk medication use.

Accordingly, the Andrews Labor government is committed to the development of workforce training that will ensure doctors and pharmacists have the necessary skills to respond effectively and respectfully to patients at risk.

The amendments contained in this bill will require prescribers and pharmacists to review the patients' dispensing records before writing or dispensing a prescription for certain high-risk medicines. This approach will provide the greatest benefit from the system, and is consistent with international best practice, as demonstrated particularly in the United States. The relatively small amount of time required to check the system will be offset by streamlining current regulatory processes.

All schedule 8 medicines — that is, high-risk prescription medicines that are potentially addictive and require additional controls, such as morphine — will be included for monitoring through the system. Other high-risk medicines, for example, some schedule 4 medicines such as diazepam, will also be monitored.

Medical practitioners and pharmacists face challenges every day with the task of balancing effective management of their patients' severe pain or other medical conditions, while at the same time preventing the serious risks of dependence and misuse of the drugs used to treat these conditions. Real-time monitoring will enable them to manage this balance more effectively, and ensure effective and safer treatment for these conditions. It is essential that monitoring does not prevent effective treatment when this is needed.

I now turn to the provisions in the bill.

The bill will:

enable the Secretary of the Department of Health and Human Services to establish a database that contains records of the supply of certain high-risk medicines;

require records to be provided for use within the database;

enable prescribers and pharmacists to access the records for a patient in their medical care;

require prescribers and pharmacists to review a patient's dispensing history before writing or dispensing a prescription. Some exceptions will be created, for example, in circumstances where the risk of 'prescription shopping' is low, such as in prisons, residential aged care or as an inpatient within a hospital;

reduce the regulatory burden on prescribers by removing some regulatory requirements. For instance, there will be fewer occasions where a treatment permit is required from the Department of Health and Human Services in low risk circumstances or where the risk will be addressed through information available in the real-time prescription monitoring system.

Victoria, once again, is leading the way and will be the first state to implement such a large-scale and comprehensive response.

The implementation of real-time prescription monitoring has been widely welcomed and applauded by key stakeholders including medical and pharmacy professional organisations, and the families who have experienced the tragedy of loss of a child, parent, husband or spouse from prescription drug overdose. Many of these people have been advocating for some time for such a system to be implemented.

We have to stop good people falling into the quicksand of addiction to prescription opioids and other drugs by supporting clinical decisions with tools that modern information and communication technology has provided us.

We need to take action now to stop people dying. We can no longer stand by as parents bury their children, as children grow up without their parents and as Victorian communities mourn the loss of too many innocent lives.

This legislation is essential to protect the lives of Victorians and I ask all members to support it.

I commend the bill to the house.

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

Debate adjourned until Wednesday, 23 August.

JUSTICE LEGISLATION AMENDMENT (BODY-WORN CAMERAS AND OTHER MATTERS) BILL 2017

Statement of compatibility

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter), I make this statement of compatibility with respect to the Justice Legislation Amendment (Body-worn Cameras and Other Matters) Bill 2017.

In my opinion, the Justice Legislation Amendment (Body-worn Cameras and Other Matters) Bill 2017, 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 of the bill

Body-worn cameras

The bill contains a number of measures to ensure that body-worn cameras can be lawfully used by Victoria Police and other prescribed persons in their day-to-day duties and to protect against the unauthorised publication of footage taken by the cameras. The need for these measures arises from a recent investment in police equipment and technology so that Victoria Police can remain at the cutting edge of fighting serious crime and keeping our community safe.

A trial of body-worn cameras will be undertaken by Victoria Police, followed by a full rollout of body-worn cameras for all frontline officers.

The Surveillance Devices Act 1999 regulates the installation and use of listening devices and optical surveillance devices. Unless a warrant has been issued, the use of such devices to record private conversations is prohibited. While body-worn cameras can be used in most circumstances without legislative amendment, it is likely that their use may from time to time record private conversations, particularly when used by police attending an incident at a private residence.

The bill amends the Surveillance Devices Act to ensure that the use of body-worn cameras, as intended, is explicitly permitted by the act. The bill will not provide a blanket exception for the use of body-worn cameras. The exception for body-worn cameras will only apply to their overt use, or use that is incidental to their overt use or is otherwise inadvertent. This will ensure police are still required to obtain a warrant where they intend to covertly capture private conversations.

The bill also amends the Surveillance Devices Act to ensure appropriate protection against the inappropriate disclosure of body-worn camera footage. The bill extends the current protections under the act to footage obtained from covert surveillance devices, so that similar protections apply to the disclosure of body-worn camera footage. The bill will allow for sharing and publication of body-worn camera footage under certain limited circumstances, including law enforcement and training purposes.

Body-worn camera footage will be available to assist IBAC, Victoria's anti-corruption agency, in investigating allegations of police misconduct. The bill ensures that body-worn camera footage will fall within the broad scope of documents that IBAC can compel production of as part of an investigation.

To provide for flexibility in relation to the technology used, the bill provides for the same protections and restrictions to apply to the overt use of tablet computers as will apply to body-worn cameras.

As body-worn camera technology is relatively new, there may be demand for the use of body-worn cameras by other classes of workers. To provide for the lawful use of these devices by other workers in the future, should the need arise, the bill inserts a regulation-making power that will allow a prescribed person or class of persons to be subject to the same

body-worn camera protections and restrictions as will apply to police officers. Any new regulations are subject to a human rights assessment and certification process, as well as being tabled before the Parliament.

Human rights issues

Use of body-worn cameras

The bill provides for measures to ensure that body-worn cameras can be lawfully used by Victoria Police and prescribed persons in their day-to-day duties.

It has been demonstrated both in Australia and internationally that there are many benefits attributable to the use of body-worn cameras by police, including an increase in police transparency and accountability; improving officer and citizen behaviour; reducing instances of violence; and assisting police officers in fulfilling their important role of preventing crime and keeping the community safe. Accordingly, the bill will promote rights under the charter where the increase in oversight and transparency in police conduct will provide greater protection in relation to rights such as section 9 (right to life) and section 10 (protection from cruel, inhuman and degrading treatment).

The use of body-worn cameras, however, like all cameras used in public, may unintentionally or inadvertently record private conversations between persons. Therefore, the right to privacy and reputation in section 13 of the charter is relevant.

In my view, although provisions of the bill may permit interference with the rights to privacy and reputation, for the reasons outlined below they will not constitute a limit on the right in section 13 and are therefore compatible with the charter.

The right to privacy (section 13)

Section 13(a) of the charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Section 13(b) provides that a person has the right not to have his or her reputation unlawfully attacked. If an interference with a person's privacy and reputation is lawful and not arbitrary, then it will not come within the scope of s 13. Limitation of the right to privacy arises only where there is first an interference with the right, and second that interference is either unlawful or arbitrary.

Clauses 4(1) and 5(1) of the bill amend the Surveillance Devices Act to provide that the installation, use and maintenance of body-worn cameras does not constitute an offence under that act. It is possible that body-worn cameras, used as intended, could inadvertently record third-party private conversations. The bill therefore permits an interference with a person's right to privacy.

The bill clearly establishes an exemption to the prohibition on the use of recording devices to body-worn cameras and tablets and therefore any interference with privacy caused by these devices is provided for by law and is not unlawful.

The requirement that all interferences with privacy must not be arbitrary means that interferences with privacy that are provided for by law, as in this case, should occur in accordance with the provisions, aims and objectives of the charter and should be reasonable in the particular circumstances. The interference with privacy under the bill is

reasonable in the circumstances. The bill allows for the use of body-worn cameras in order to achieve the legitimate aim of promoting the safety of the community and allowing police to remain at the forefront of cracking down on serious crime. The bill only allows police officers and prescribed persons to use body-worn cameras in an overt manner (where members of the public will be aware that they are being recorded), and in the ordinary course of their duties; it will still be unlawful for a person to use a body-worn camera to record private conversations in a non-overt manner or outside of the ordinary course of a person's duties.

Additionally, the bill contains safeguards to ensure that private conversations are appropriately protected and managed, namely:

Clause 7(2) amends the Surveillance Devices Act to classify all body-worn camera footage of private conversations or activities as 'local protected information'. Any unauthorised disclosure of this information is a serious offence and carries penalties of up to two years imprisonment or a fine of over \$38 000, or both. Body corporates face a fine of over \$190 000. In circumstances where disclosure of the information could endanger a person's safety or could prejudice the conduct of an ongoing investigation, individuals face heavier penalties of up to 10 years imprisonment or a fine of over \$190 000, and body corporates could face a fine of over \$950 000.

Clause 7(1) permits the use of body-worn camera footage only under certain circumstances, being for education and training, and for other purposes prescribed by regulations.

These measures are in place to ensure that any personal information captured by body-worn cameras or tablets are subject to rigorous protections from unauthorised disclosure.

There is an exemption to the offence of recording private conversations, which only applies in specified circumstances, that is, if a recording is inadvertent, unexpected or incidental to that use.

There will be a general presumption that body-worn cameras will be used by police when interacting with members of the public and during their official duties. Officers will make recordings on both private and public property. Victoria Police will provide additional guidance to officers through policy, procedures and training as to when they should and should not record.

Like other evidence gathered by Victoria Police, the use of body-worn cameras and the storage of body-worn camera footage is intended to be done in accordance with the information privacy principles contained within the Privacy and Data Protection Act 2014 and the standards for law enforcement data security as developed by the commissioner for privacy and data protection.

For the reasons explained above, I consider that any interference with privacy by the bill is lawful and is not arbitrary and is therefore not a limitation on privacy within the meaning of the charter.

Information sharing in sexual offence cases

Under the Sex Offenders Registration Act 2004, courts are required to provide details of the sentence or determination of

an appeal relating to the registration of a sex offender to the Chief Commissioner of Police as soon as practicable. However, there have been delays in the provision of this information to Victoria Police due to the operation of the Judicial Proceedings Reports Act 1958.

The Judicial Proceedings Reports Act prevents a person from publishing, or causing to be published, any matter that contains any particulars likely to lead to the identification of victims in cases involving sexual offences. While these provisions are designed to protect victims, the courts have adopted an interpretation that requires them to anonymise sentencing remarks before they are released. This causes unnecessary delay and can impact on the ability of the sex offenders registry to discharge its duties to monitor dangerous sex offenders and keep the community safe from the risk of reoffending by those offenders.

To address this, the bill amends the Judicial Proceedings Reports Act 1958 to clarify that information about sentences in sexual offence cases can be shared between the courts and entities carrying out statutory functions, including the sex offenders registry operated by Victoria Police.

The right to privacy (section 13)

The bill amends the Judicial Proceedings Reports Act 1958 to:

facilitate disclosure of information to the sex offenders registry operated by Victoria Police; and

create a regulation-making power in the act to facilitate disclosure of information to other justice agencies as appropriate.

Currently, the act allows for disclosure of information in sexual offences cases to the Judicial College of Victoria and the Sentencing Advisory Council. It is intended that these agencies will be listed, together with the sex offenders registry, in regulations made under the new regulation-making power.

The information disclosed may relate to victims, offenders, and in some cases relevant third parties. Therefore, the right to privacy and reputation in section 13 of the charter is relevant. As I have noted above, section 13(a) of the charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Section 13(b) provides that a person has the right not to have his or her reputation unlawfully attacked.

In my view, although the bill will permit an interference with a person's privacy and reputation for the reasons outlined below the proposals will not constitute a limit on the right in section 13 and are therefore compatible with the charter. First, providing sentencing remarks to the sex offenders registry arguably does not amount to 'publication' and is already permissible under the act. The bill intends to clarify this position and put beyond doubt the legality of sharing such information in order to reduce unnecessary delay.

Second, any information disclosed to the sex offenders registry will be subject not only to the strict non-disclosure provisions in the Sex Offender Registration Act 2004, but also to the information privacy principles contained within the Privacy and Data Protection Act 2014; the sex offenders registry will treat any information of a personal nature

contained in sentencing remarks accordingly. Victims' identities will remain secret.

Third, and most importantly, any interference with a person's privacy or reputation is for the purpose of reducing delay and allowing the sex offenders registry to perform its duties in a timely and efficient manner. The importance of the duties of the sex offenders registry in protecting the public against dangerous sex offenders can be balanced against a victim's right to privacy or reputation. The bill's very limited impact on the privacy rights of victims can also be balanced against the important purpose of protecting the community and the rights of members of the community including, for instance, the right to protection of families and children (section 17) and the right to life (section 9). The interference is therefore not arbitrary and is appropriately justified.

For these reasons, I am satisfied that the provisions in the bill relating to information sharing for sexual offence cases will not unlawfully nor arbitrarily interfere with a person's right to privacy and reputation.

The Hon. Martin Pakula
Attorney-General

Second reading

Mr PAKULA (Attorney-General) — I move:

That this bill be now read a second time.

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

On 17 April 2016, the government announced a \$596 million public safety package, delivering on its promise to give Victoria Police the necessary resources to continue cracking down on serious crime and keeping our community safe.

The package includes a major investment in equipment and technology so that Victorian police remain at the cutting edge of responding to gang-related crime, gun crime, terrorist threats, family violence and the scourge of ice.

A key part of this investment is the deployment of body-worn cameras to be used by all frontline police. The footage captured by these devices will be used to support prosecutions, as evidence in police disciplinary matters and for police training.

The Justice Legislation Amendment (Body-worn Cameras and Other Matters) Bill 2017 ensures that these devices can be used lawfully and the footage is appropriately protected. The bill is the first tranche of body-worn camera legislation, paving the way for a subsequent bill to support the use of body-worn cameras for recording statements in family violence matters and allow these statements to be used by victims as their evidence-in-chief. This subsequent bill will allow for acquittal of recommendation 58, one of the 227 recommendations of the Royal Commission into Family Violence that this government has committed to implementing.

The bill also facilitates the disclosure of sentencing information to specific government agencies in sexual offence cases. This will reduce unnecessary delay in sharing information and allow the sex offender registry to continue to perform its important task of keeping the community safe from dangerous sex offenders.

Body-worn cameras

Body-worn cameras are small, battery-powered cameras worn on the body of a police officer. They allow audio and video capture of interactions between police officers and members of the public and real-time capture of video evidence at the scene of a crime.

These devices are already used by police forces in a number of jurisdictions in Australia and abroad. New South Wales has been using body-worn cameras since a successful trial conducted in 2013. Queensland began a statewide rollout of 2700 cameras in July last year. Tasmania, Western Australia and the Northern Territory are following suit. The technology has been successfully used throughout the United Kingdom for years.

Experiences in these other jurisdictions have demonstrated that body-worn cameras offer a range of advantages to both the police and the wider community.

Body-worn cameras improve police transparency and accountability. They prevent frivolous complaints against police, saving taxpayer dollars. The devices also encourage good officer and citizen behaviour and are associated with reductions in the use of force.

The footage obtained by the cameras will also allow for a greater range of reliable evidence that can be used in court. This new technology will assist police in fulfilling their role responsibly, preventing crime and keeping us safe.

The use of body-worn camera footage, in most circumstances, is already permissible under the same laws that govern the use of CCTV footage. However, a body-worn camera, used as intended, may from time to time inadvertently record private conversations, particularly when used by police attending an incident at a private residence. Due to the operation of the Surveillance Devices Act 1999, such instances may constitute an offence.

To address this issue, the bill amends the Surveillance Devices Act to ensure that the use of body-worn cameras is explicitly permitted. Without these amendments, police would need to obtain a warrant every time they record a private conversation.

The bill does not provide a blanket exception for the use of body-worn cameras. The exception will only apply to the overt use of body-worn cameras, or use that is incidental to their overt use or is otherwise inadvertent. This will ensure police are still required to obtain a warrant where they intend to covertly capture private conversations.

The bill ensures there are adequate protections against the unauthorised disclosure of footage captured by the cameras. Use of this footage will only be permissible in certain circumstances, such as for police training and the use in law enforcement duties.

The bill also adds a regulation-making power to allow for certain persons or classes of persons to be lawfully able to use body-worn cameras in the same way as police. This flexibility is in recognition that body-worn camera technology is new and there may be demand for lawful use of the technology by other classes of workers, particularly those at risk of occupational violence. Rather than being reactionary, this government is proactively creating a mechanism for other classes of workers to use body-worn cameras in the future, when and if the need arises. Any addition of a new class of

worker to this category will, of course, be carefully scrutinized.

Sharing information between the courts and entities such as the sex offenders registry

The harm caused by sexual offending has devastating impacts on the emotional wellbeing of victims. The sex offenders registry, maintained by Victoria Police, helps to protect the community from the serious physical and psychological harm posed by sex offenders. This government does not want vital information that should be shared with the registry held up by bureaucratic red tape.

Currently, courts are required to provide details of sentences and determination of appeals relating to the registration of a sex offender to the Chief Commissioner of Police as soon as practicable. However, the Judicial Proceeding Reports Act 1958 restricts a person from publishing any information likely to lead to the identification of victims in cases involving sexual offences. This has led to sentencing remarks being anonymised before they are provided to the sex offenders registry.

Redacting court documents imposes a significant administrative burden on the courts. It is also the cause of undue delay in the provision of details to the police, making it difficult for the sex offender registry to execute its duties in a timely and efficient manner.

This bill amends the Judicial Proceeding Reports Act to facilitate disclosure of information to the sex offenders registry. It also creates a regulation-making power to facilitate disclosure of information to other justice agencies as appropriate.

These amendments will enable courts to share sentencing remarks with the sex offender registry without the requirement to redact them first.

Subsequent amendments to support the use of body-worn cameras in family violence incidents

The government supports the recommendation of the Royal Commission into Family Violence that there be a trial into the use of body-worn cameras to record statements from victims in family violence incidents, for use as evidence-in-chief in court proceedings.

As the legislation needed to support this trial is complex, the policies underpinning the legislation must be carefully developed. For this reason, the government intends to introduce these amendments as part of a subsequent bill. The government is currently working with Victoria Police, the courts and other justice stakeholders to progress these changes.

Conclusion

The measures contained in this bill will ensure that Victorian Police have the equipment they need to continue fulfilling their important role in our society. It will also ensure that the sex offender registry will be able to continue protecting the public from dangerous sex offenders without being delayed by unnecessary red tape.

I commend the bill to the house.

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

Debate adjourned until Wednesday, 23 August.

ENVIRONMENT PROTECTION BILL 2017*Second reading***Debate resumed from 7 June; motion of Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change).**

Ms WARD (Eltham) — I rise quite happily to speak on the Environment Protection Bill 2017. This legislation is very important in terms of reforming Environment Protection Authority Victoria (EPA). I am sure many people in this house are well aware of the amount of work that went into the Fiskville inquiry. I have the member who was the chair of the Fiskville inquiry sitting quite close to me in the chamber. The member for Thomastown did an excellent job on that inquiry, and I thank her for her leadership, but along with me, I know that she was also incredibly disappointed in how the Environment Protection Authority went about their processes in terms of Fiskville.

It was quite surprising to not only the both of us but, I suspect, most of those on our committee to hear Nial Finegan from the EPA say that the EPA had never actually given any kind of permission or licence or authority for Fiskville to actually operate as a fire-training facility, including undertaking tasks such as burning tyres. For the facility to have operated since the early 1970s in partnership, if you like, with the EPA without that regulation being there is quite astonishing. I know that the EPA has evolved over time, that its role has slightly changed and that there have been additional regulations and strengths given to it. However, it became very clear to us — and I suspect the member for Thomastown will also address this — that the EPA was not acting in a way that we thought it should.

The inquiry that was conducted into the EPA last year found that many members of the public had misunderstandings as to what the role of the EPA was, and it is quite possible that committee members, like the member for Thomastown and me, also misunderstood some of the roles of the EPA. But I have to say that we did expect the EPA to be able to help protect human health, that we did expect the EPA to ensure that a firefighting facility like Fiskville was operating in a manner which ensured that all of the people on that site were protected and that their health would have been something considered to be important to look after, to monitor and to protect, and that included regulating the environment.

Mr Finegan said:

I think that if we are to prevent another Fiskville, I think the EPA would need very different powers to what it currently has.

I am sure the member for Thomastown agrees with me that that is exactly right: the EPA did need stronger powers. They needed a stronger ability to regulate, but they also needed to have stronger regulation within themselves. This legislation is an important step in addressing this comment.

This legislation is a response to our election commitment and a response to the independent inquiry into the EPA. Page 8 of the report notes:

... Victorians told us that the EPA is important and that they want an EPA that protects their health.

This is exactly what the member for Thomastown and I found during the Fiskville inquiry. That is exactly what firefighters wanted the EPA to be able to do. They wanted the EPA to protect their health. I congratulate the government and the minister for announcing an unprecedented and amazing amount of money — \$162.5 million over the next five years — to reform the EPA, because it does need reform.

Let us have a look at some of the history of the EPA beyond Fiskville. We know that there were methane gas leaks at a landfill site at the Brookland Greens estate, which is to the south-east of Melbourne. This was a shocking story, and I think people can remember it; it was less than 10 years ago. The distress that that caused that community was unbelievable, and the EPA needed to take some responsibility for that.

The Ombudsman identified that the EPA failed to take adequate enforcement action regarding the landfill. The Ombudsman found that the EPA ineffectively utilised the enforcement tools at its disposal. This is exactly what we also found at Fiskville — that there were enforcement tools at the hands of the EPA that they did not adequately use.

The Victorian Auditor-General's Office (VAGO) also looked at the EPA's hazardous waste management and found:

The EPA is not effectively regulating commerce and industry's management of hazardous waste. Its monitoring and inspection activities lack coherence, purpose and coordination. This, combined with poor business information because of the EPA's lack of data reliability, poor analysis and reporting and inadequate documentation of its rationale for decisions, means that there is neither sound compliance monitoring nor effective enforcement regimes.

As a consequence, there is little assurance that hazardous waste is stored and disposed of appropriately.

Deputy Speaker, I am sure you would agree with me that there are barrels of hazardous waste haphazardly buried on sites around Fiskville. That is in fact a true statement for not only the areas that the Ombudsman looked at but also for Fiskville. That the EPA knew there was hazardous waste buried in barrels underground at Fiskville but did not work through a systematic, coordinated and strong approach to resolving, rectifying and cleaning it up was distressing for us to hear last year, and it remains so.

I know that our firefighters — volunteer and career — felt very let down by a number of agencies, including the CFA and WorkSafe, but they also felt let down by the EPA. For this government to step up and help the EPA help itself and to give the EPA the funding that it desperately needs to make sure that it can properly look after human health and that it can act preventatively as well as post pollution to help ensure human health is protected is incredibly important. Another report by VAGO about managing contaminated sites states:

In this audit we identified a range of cases that demonstrate the adverse consequences that flow from a lack of accountability and clarity, and gaps in the framework. Most notably we identify cases of inaction by responsible entities in dealing with contamination; this inaction being driven in part by an undue emphasis on avoiding legal and financial liability, rather than protecting human health and the environment.

You would want the EPA to have evolved since 2011, but we also found in the Fiskville inquiry that they actually worked with the CFA around managing the site in terms of media management. That the regulator can work together with the polluter around media management of pollution found at a site is quite astonishing, and it should not occur.

I am glad that this government is taking action. The Fiskville inquiry continues to reverberate through our legislation in terms of finding ways for us to ensure that that terrible occurrence does not happen again and that agencies — whether they be private, public or independent of government — must look after the people on their site and look after the people who are in their care. The member for Frankston, sitting behind me, knows that the CFA let him down, that the CFA let his volunteers down and that the CFA let his workmates down, because they did not ensure that that site was clean and that people were looked after. The EPA sadly also let us down in that circumstance, and it cannot happen again.

Mr Edbrooke interjected.

Ms WARD — I hear the member for Frankston telling me that he is getting blood tests for the PFOS

and PFOA levels in his blood. I am sorry to hear that — I really am — and I am sorry for the anxiety that I know you live with not knowing what those chemicals are doing in your bloodstream and body.

The EPA identified significant issues with pollution of the Fiskville in 1996. I quote from the committee report:

The committee heard from the current CEO of EPA Victoria, Mr Nial Finegan. It asked Mr Finegan about EPA Victoria's exercise of its regulatory powers in relation to Fiskville. He responded that:

... people have a misplaced understanding of the powers of the EPA. For example, under the Occupational Health and Safety Act there is this preventative duty, which is to prevent harm. That same duty does not exist under the Environment Protection Act. The Environment Protection Act in very simple terms, the way it is framed, for us to take action we almost have to wait for something to go wrong and then prove that something went wrong ...

Recommendation 16 is:

That the Victorian government confirm that EPA Victoria currently has powers under its act to take pre-emptive action to prevent pollution.

The government supports this in principle and I know that this legislation is a step towards ensuring that, because of course the EPA should not just be there to clean up a mess. The EPA should also have a role in ensuring that mess is prevented and that agencies who are dealing in pollution and waste know what they are doing and are doing it properly, that they are not cutting corners and that they are not subjecting Victorians to unnecessary risk. This is a very large and important role of the EPA, and I absolutely support the government's intention to make sure we have a strong framework around the EPA so that they have a clear purpose around what they are trying to do and can enact it with their full strength. I support this legislation.

Ms SANDELL (Melbourne) — Deputy Speaker, I congratulate you on your appointment.

We are pleased to see this bill enact many of the recommendations made by the independent inquiry into the Environment Protection Authority Victoria (EPA), which, as the government and many other speakers have noted, was the first comprehensive review of the regulator since it was established in 1971. We know that over the past decades the EPA has really been lagging behind in keeping up with the challenges to our environment and to human health and protection, particularly when it comes to climate change, I have to say. It really is long overdue for modernisation — but better late than never.

We note that this bill is the first of two bills. This one only deals with the continuation, objective and governance of the EPA, and it provides a new, clearly stated objective for the EPA to protect human health and the environment by reducing the harmful effects of pollution and waste. We are really glad to see that this bill establishes the EPA as an independent statutory authority, as recommended by the inquiry. We know that it also provides for a new governance structure of the EPA, although some stakeholders did recommend to the inquiry that the governing board include representation from the community. That was not reflected in the inquiry's recommendations for this bill, which we are a little bit disappointed about.

We also of course welcome Victoria's first chief environmental scientist, and I very much look forward to her insights on fighting climate change in our state.

We know that the government have committed funds and legislative reform to modernise the EPA, which is wonderful — it is a great move forward — but they have shied away from several critical aspects of the law which do need to be strengthened. Many speakers in this place have mentioned that the EPA needs to be significantly strengthened, and we agree, but the government and the inquiry's recommendations did not take all the steps that we deem necessary. First and foremost we are disappointed to see that while the Climate Change Act 2017 confirms that the EPA has the powers to regulate greenhouse gas emissions, the government has stated that it will not use these powers at present, which is disappointing from our end.

The environment movement has called for the EPA to have a clear legislative mandate to regulate carbon pollution, as it does for other wastes and pollutants. The inquiry called for the EPA to have the appropriate statutory implements to manage greenhouse gas emissions, stating that, 'At its core, it is a pollution problem' — as it is. Climate change, as we know, will have critical impacts on the health of all Victorians, so it really does fall well within the objectives of the EPA to regulate greenhouse gas emissions as a pollutant.

We are disappointed to see that the government is leaving the EPA pretty much as a toothless tiger when it comes to fighting climate change by leaving out its ability to regulate greenhouse gas emissions. We also note that stakeholders lobbied for environmental justice to be embedded as one of the objectives in this act, which the government has also elected not to do. Stakeholders also lobbied for pollution information to be made publicly available. The government has instead elected to determine the best mechanism to require the publication of emissions data while not

imposing a regulatory burden, whereas we think that pollution information really should be made publicly available in a timely manner.

We are pleased to see there will be a general preventative duty for businesses, entities, people et cetera to minimise the risk of harm to human health and the environment. This general preventative duty is really key in this bill; however, it is pretty unclear at the moment how it will function. The duty needs to be really strong and really enforceable in order to be effective. We do not want polluters hiding behind possible qualifiers or the fact that this is quite vague to escape this duty. We want to see a right for the community to take legal action against polluters who breach the law in cases where the EPA decides not to, but we have not seen the government commit to this either. There were also calls for the EPA to act as a regulator or mandatory referral authority for mining approvals and to have an expanded role in mine site rehabilitation, but the government has not agreed to the inquiry's recommendations in full.

In conclusion, we welcome a lot of the changes in this bill. There are some missed opportunities and causes for concern, but we look forward to working with the government to ensure that the EPA can serve Victoria to its full potential. We look forward to further changes that the government will bring to this house and in particular the second bill.

Mr McGuire (Broadmeadows) — Record funding for the Environment Protection Authority Victoria (EPA) and tough new laws are features of the Victorian government's strategy to protect people's health and the environment. This piece of legislation, the Environment Protection Bill 2017, is another key part of this strategy that the government is going to be rolling out. I think this is a critical part of the legislative reforms and the architecture for providing better protection.

The situation is that a range of different issues need to be addressed, and they are being addressed by this piece of legislation. We can see it from recent events in my electorate of Broadmeadows at SKM Recycling's facility in Coolaroo. The irony is that the EPA officials were due that day to do an inspection. I am delighted that they will be given greater powers for scrutiny, accountability and compliance. We see that this is now not just an issue for Victoria but a national issue that has come to prominence in the media as well. This legislation could not be more timely and relevant, and what is happening —

The DEPUTY SPEAKER — Order! The time has come for me to interrupt business under sessional orders for questions without notice and ministers statements. The member for Broadmeadows will have the call when the bill is next before the house.

Business interrupted under sessional orders.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Mandatory sentencing

Mr GUY (Leader of the Opposition) — My question is to the Premier. Noelene Nolan is a young woman who earlier this year was the victim of a horrific home invasion when violent thugs broke into her home in Melbourne's south-east, viciously assaulted her and stole her medication, jewellery, money she had been saving to cover medical costs, and other personal items. This was a deeply traumatic experience that Noelene should never have had to endure and from which she has still not recovered. Noelene is here in the gallery for question time today. Premier, this is a real Victorian facing real trauma. Can you today tell Noelene, here in the gallery, to her face why your government refuses to introduce mandatory sentencing for the repeat offender thugs who did this to her and her family?

Honourable members interjecting.

The SPEAKER — Order! Members will come to order. The member for Caulfield is warned. The member for Gembrook is warned. The member for Warrandyte! I will not have that level of shouting across the chamber in question time. Members will be removed from the chamber if they persist in shouting from either side of the chamber.

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. What occurred to the Nolan family and indeed to other families in relation to other home invasion and carjacking incidents — those crimes are often part of the same incident — is absolutely unacceptable, and that is why any support, any information that needs to be provided that would be of assistance to that family, of course we will be only too pleased to provide.

In relation to the issue of home invasion across our community, of course the government has introduced new offences, which despite the question and the inference that they do not carry statutory minimum sentences, they of course do. They also carry

presumptions against bail. They are new offences introduced by this government.

What is more, the government is also working with Victoria Police and the Chief Commissioner of Police to recruit additional police, more than has ever been the case, ending a boom-and-bust cycle of police recruitment and giving to police the resources, the technology, the equipment, the powers, the statute book and the total support they need. That support comes in many different forms. For instance, what we know is that it has been necessary to implement a range of reforms and changes that understand the nature of these crimes, crimes that are so often linked to organised crime, where the advice to the government has consistently been that many of these youth offenders are in fact recruited by organised crime to commit these terrible acts. It is why we have in the other chamber Fagin's law provisions, which some are threatening not to support.

We will continue to support victims of crime in any way we can and to back Victoria Police with the resources, the people and the powers that they need. That is what we will continue to do. What we will not do is be wined and dined by organised crime.

Honourable members interjecting.

The SPEAKER — Order! I will not have members shouting across the chamber when the Chair is on his feet. The members for Essendon and Kew will leave the chamber for the period of 1 hour.

Honourable members for Essendon and Kew withdrew from chamber.

Supplementary question

Mr GUY (Leader of the Opposition) — Premier, if you had bothered to look at her, you would find that Noelene does not want words, she wants actions. The details of her story are tragic —

The SPEAKER — Order! I interrupt the Leader of the Opposition. For clarity, I just called for the member for Essendon and the member for Kew to leave the chamber for interjecting while the Chair was on his feet. The Leader of the Opposition to restate his question.

Mr GUY — The details of Noelene's story are tragic. She has been recently diagnosed with coronary microvascular disease, she is the primary caregiver for her mother, who is battling ovarian cancer, and a sister who is dealing with a disability. If that was not enough, she now lives in constant fear of further attacks after her home was targeted a second time by criminals, this time

while she was taking her mother to hospital for chemotherapy. Premier, victims of crime are crying out that our system needs to change. Will you promise to meet with Noelene and other victims so they can have an opportunity to once and for all have their voices heard?

Mr ANDREWS (Premier) — I will just reiterate the point I made around the action that the government is taking to support Victoria Police, to create new offences to deal with the organised crime links to this pattern of behaviour to these crimes and any support that can be provided —

Mr Guy — On a point of order, Speaker, on relevance. We are halfway through the answer. I asked the Premier a very straightforward question: would he meet with Noelene? She is here in the gallery today. Will he meet with her and similar victims of crime, and if so —

An honourable member interjected.

Mr Guy — You can make a joke of it. Go and look at her face. Make a joke of it, mate! This is no joke. Will you meet with this person or not — yes or no?

Honourable members interjecting.

The SPEAKER — Order! Government members will come to order.

Mr Guy — Yes or no, will you meet with these people today?

The SPEAKER — Order! Through the Chair!

Honourable members interjecting.

The SPEAKER — Order! I ask the Premier and the Leader of the Opposition to assist with the smooth running of the house by ceasing to have a conversation across the table.

Mr Merlino — On the point of order, Speaker, the Leader of the Opposition has no credibility here. He has got one arm around victims and the other hand out for donations from the Mafia.

The SPEAKER — Order! There is no point of order!

Mr Guy — Further on the point of order, Speaker, the Deputy Premier is making a continual goose of himself. The Premier has a simple answer to give. Will he meet these people or not?

Honourable members interjecting.

The SPEAKER — Order! I need to rule on the point of order. I ask the Premier to come back to answering the question that was asked.

Mr ANDREWS — As I was saying, Speaker, the question accused the government of not taking action, and that is simply wrong. What I will say to the Nolan family —

The SPEAKER — Order! The member for South-West Coast is warned. The member for Ripon is warned.

Mr ANDREWS — Any support that they require, I am only too happy to provide. If they want to have a discussion with me, then I would invite them to contact my office.

The SPEAKER — Order! Members will be removed from the chamber without warning. Order! The member for Footscray is warned. Order! The Leader of the House will come to order.

Ministers statements: employment

Mr ANDREWS (Premier) — I am delighted to rise to inform the house that —

Mr Guy interjected.

The SPEAKER — The Leader of the Opposition will come to order.

Mr ANDREWS — You want to get your story straight, mate. Get your story straight — absolutely no credibility whatsoever. Take the mob's money, eat the mob's lobster and then come in here and pretend to be a friend of victims — no credibility whatsoever.

I am delighted to be able to inform the house that 172 900 jobs have been created during this term of Parliament, an additional 18 800 full-time jobs in the last month alone. Our economy is strong, and the massive pipeline of infrastructure works that the government has put in place means the government is playing its part to support families, skills, workers —

Honourable members interjecting.

The SPEAKER — The member for Ringwood is warned.

Mr ANDREWS — and prosperity in our state, not for a few months or a few years but indeed setting us up for decades. Projects that were talked about by those opposite — at dinner perhaps — are being delivered by this government. Those jobs include 1500 apprentices, trainees and engineering cadets. Some 20 000 workers

have been inducted onto level crossing construction sites. The Metro Tunnel will create a further 8000 jobs, the West Gate tunnel a further 6000 jobs, regional rail revival a further 1000 jobs and north-east link a further 5000 jobs. This is the agenda that matters, not out to dinner with the mob.

The SPEAKER — Order! Before calling the Leader of The Nationals I ask the member for Eltham and the member for Hawthorn to leave the chamber for the period of 1 hour.

Honourable members for Eltham and Hawthorn withdrew from chamber.

Mandatory sentencing

Mr WALSH (Murray Plains) — In starting, can I say, ‘Sorry, Noelene, he is not listening to you’. My question is to the Premier, and I refer to the 96-year-old widow Gwen Richards from the country town of Kyabram, who is severely shaken after her house was ransacked while she slept last week. Her late husband’s priceless war medals and air-force logbook were stolen. Premier, how many more women like Gwen Richards have to be victims of crime and live in constant fear before your government finally brings in mandatory sentencing for thugs who commit crimes like these?

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

Honourable members for Mordialloc and Ringwood withdrew from chamber.

Mr ANDREWS (Premier) — I thank the member for his question. He clearly was not listening to my earlier answer where I made it very clear this is a matter of record. In fact those opposite may well have even voted for these provisions — they did, in fact. Aggravated home invasion does, because of this government, carry a statutory minimum sentence, so your question is simply wrong. I would again make it very clear that those who take secret donations from the mob have no credibility. Those who are out for dinner with organised crime when we know organised crime is behind so many of these home invasions —

Honourable members interjecting.

The SPEAKER — The Premier will resume his seat.

Mr Hodgett — On a point of order, Speaker, the Premier is debating the question, and I would ask you to bring him back to answering the question he was asked.

The SPEAKER — The Premier has answered the question and was straying from the question. I ask the Premier to come back to answering the question.

Mr ANDREWS — As I have said, the offence, because of reform delivered by this government, does in fact carry a statutory minimum term. To suggest otherwise is simply wrong. Might I suggest that the community can make their own judgements about whether the government who has made substantial reform and is recruiting more police than this state has ever seen is better placed to deliver on fighting crime and keeping the community safe or whether those who would secretly have dinner and take donations from the very organised crime figures who are driving home invasions —

Honourable members interjecting.

Mr ANDREWS — The community can make their own judgements on that, and on this one here.

Honourable members interjecting.

The SPEAKER — Order! The Premier will resume his seat.

Mr Walsh — On a point of order, Speaker, and on the issue of relevance, the question concerned 96-year-old Gwen Richards and the fact that she was robbed while she slept and her house was ransacked. I would ask you to bring the Premier back to the question and actually show some respect to Gwen Richards instead of being such an idiot.

The SPEAKER — Order! The Leader of The Nationals knows better than that. The Premier has concluded his answer.

Supplementary question

Mr WALSH (Murray Plains) — The Rochester Sportspower store had its door smashed again last week, the latest in a long list of burglaries in the town which include the jewellery store being robbed three times. Like Kyabram the people of Rochester are living in fear and extremely angry that your government is failing to curb the crime wave. Premier, why will your government not give country towns like Rochester and Kyabram the protection they need by strengthening bail laws and reversing your ridiculous weakening of youth bail?

The SPEAKER — Order! I have warned members they will be removed from the chamber for shouting, but members persist.

Mr ANDREWS (Premier) — Again the questioner seems unaware of things he has actually voted for. Bail law reform has passed both houses with your support.

Those opposite talk about respect for victims. There is nothing respectful about talking to victims and pretending to care about them while you are taking the Mafia's money and sitting down to dinner with them — sitting down to dinner with them! You have got no credibility whatsoever when it comes to these matters — no credibility whatsoever — and you have got more than a bit of explaining to do.

Mr Hodgett — On a point of order, Speaker, again the Premier is debating the question. I would ask you to bring him back to answering the question he was asked.

The SPEAKER — The Premier has concluded his answer.

Ministers statements: Beaumaris Secondary College

Mr MERLINO (Minister for Education) — I wish to update the house on the new high school the Andrews government is building in Beaumaris. It is one of 56 new schools the Andrews government is delivering across Victoria. Beaumaris Secondary College will provide a much-needed state-of-the-art school for 650 students in years 7 to 12. The new school will open its doors in term 1, 2018. It will also feature first-class sporting facilities built in partnership with the Melbourne Cricket Club, and they will be shared by the club, the college and the wider community.

We have appointed a principal, Debby Chaves, and I know she will do an excellent job in making this new school a success. A new school planning group, made up of a cross-section of government, parents, educational providers and the community, meets regularly to oversee progress and advise the Victorian School Building Authority.

We believe in community consultation, but we do draw a line. These consultations did not include meeting with organised crime figures. We have no interest in seeking their views or currying favour with those merchants of misery. In Beaumaris we engage with principals, parents and students, not those associated with drug dealing, money laundering, extortion or murder. We will leave that to the Leader of the Opposition and the Liberal Party.

Mr Clark — On a point of order, Speaker, the minister is departing from the requirements of a ministerial statement to inform the house about matters relating to his portfolio. He is proceeding to debate issues. I ask you to bring him back to compliance with sessional orders.

The SPEAKER — I ask the Deputy Premier to come back to making a ministers statement.

Mr MERLINO — Beaumaris tells the story of two parties. It tells the story of the values, the character and the priorities of the Premier and those of the Leader of the Opposition. Labor has its arms wrapped around the community in Beaumaris. Organised crime has its tentacles all over the Liberal Party.

West Gate tunnel project

Mr R. SMITH (Warrantyte) — My question is to the Treasurer. Last week your hand-picked advisor, William McDougall, gave evidence to a Senate inquiry and stated on radio that he had raised specific concerns with you regarding the viability of the West Gate tunnel project. Treasurer, what were the concerns that Mr McDougall raised with you?

Mr PALLAS (Treasurer) — I thank the member for his question and the opportunity to highlight the great value of the West Gate tunnel to the people of Victoria. Of course what we do know is that the West Gate tunnel will slash congestion and provide a viable alternative to the West Gate Freeway. More and more people are getting stuck on the West Gate Freeway every day, and it can barely keep up with demand. The new tunnel will move trucks off the West Gate Freeway, off residential streets —

Mr R. Smith — On a point of order, Speaker, we appreciate the background but the fact of the matter is the question was about the issues that Mr McDougall raised. We do not need a background; we can read the myriad of press releases that the government has put out on this issue. Could the Treasurer please come back to answering the question?

The SPEAKER — Order! The Treasurer has only just commenced his answer. I do ask the Treasurer to answer the question that was asked.

Mr PALLAS — One of the things that the government puts considerable value in is making sure that the processes of determination of projects are subject to appropriate rigour and scrutiny. That means not just the advice that we get from the experts in our department but making sure that we get quality, independent advice by way of peer review. Of course

William McDougall is an engineer who has done considerable work for the state — indeed before and after the meeting that he had with me.

Mr McDougall did contact me, and I have a lot of respect for his advice. He highlighted concerns that he had with respect to the West Gate tunnel, and that was appropriate in the context that Mr McDougall was part of an independent peer review. As a government we take such concerns seriously, and I did immediately refer those concerns back to the department, as is appropriate.

Mr R. Smith — On a point of order, Speaker, the Treasurer is merely reiterating that Mr McDougall raised concerns. We know that. That was in the body of the question. The question was: what are the concerns? If the Treasurer could address question, the house would appreciate it.

The SPEAKER — The Treasurer to continue. I rule that the Treasurer come back to answering the question.

Mr PALLAS — To answer the question quite directly, the concerns that Mr McDougall raised were around the traffic-modelling methodology that had been adopted. Indeed we subjected those questions to review. I listened to his concerns. I asked that they be addressed by the department and the interdepartmental processes. That is exactly what happened. His concerns were addressed, and of course the West Gate tunnel business case is all the more robust because of it.

As a government we listen to the concerns that are put. We review, we are just and we make sure that we get the best possible outcome. So I can make this point: we are not a government like those opposite, who simply turn their back on criticism. We listen. We adjust. And might I make it very clear that Mr McDougall subsequently had work on government projects, so this nonsense that —

An honourable member interjected.

Mr PALLAS — Well, of course his work had been complete in respect of that project. He had sat on an independent review process. He had done a good job for the state. He had advised us, and we are satisfied that we have adjusted appropriately.

Supplementary question

Mr R. SMITH (Warrandyte) — The Treasurer has admitted that Mr McDougall did state that the traffic modelling on the West Gate tunnel project did not stack up and that it was a dud. Unfortunately the Treasurer is difficult to believe at times, so I ask the Treasurer now: will he release the assumptions behind the traffic

modelling so that Victorians can see how dodgy this project actually is?

Mr PALLAS (Treasurer) — Now I am getting lectures on integrity and believability from the opposition. Well, we will take our advice from experts, not from the Mafia. How about that for a start when it comes to credibility. Let us be very clear, Mr McDougall was employed as a consultant to a team in the Department of Economic Development, Jobs, Transport and Resources that reviewed traffic modelling. Might I say very clearly —

Mr R. Smith — On a point of order, Speaker, the Treasurer is merely reiterating what he has already said. Quite simply, the question was: will he release the assumptions so that Victorians can make up their own minds?

The SPEAKER — Order! I note that the supplementary question had a long preamble, but I do ask the Treasurer to come back to answering the question.

Mr PALLAS — I do not know how more transparent we can be on this, but this material is publicly available. It is in the environment effects statement (EES). It is part of the EES process. It is being reviewed by the EES. Unlike nefarious meetings, which they hold behind closed doors, these are in the public domain for public scrutiny.

Ministers statements: police numbers

Ms NEVILLE (Minister for Police) — I rise to update the house today on the work that we are doing to support Victoria Police members in the work they do to keep us safe. Every day thousands of Victoria Police members put their lives on the line to keep us safe, and they deserve our support. That is why we are giving them record numbers of new police. We are putting in place specialist staff, additional staff in our crime command that is focused particularly on our youth offending and on organised crime. We are also putting in place new laws and new powers to ensure that police are best placed to disrupt those people who are peddling harm and misery in our community. I do not want to underestimate exactly the level of harm that particularly organised crime is causing in our state, from drugs to illegal firearms distribution in our state to some of the criminal activities associated particularly with catjacking in this state.

Our police need community leaders to stand up and make sure that they have their backs. Unfortunately what we have seen over the last few months is that

some of our community leaders have undermined our special operations group, our critical incident response team and our bomb squad. Of course today we have again witnessed an attempt to divert attention from poor behaviour, inappropriate behaviour, and blame the police. We stand up for our police. One of the things is that saying, 'I have done nothing wrong', despite lending credibility to one of our alleged most serious criminals in this state is not just a slap in the face to our police but in fact puts in jeopardy our attempts and those of the police to hold this serious criminal to account. It is shameful, and the Leader of the Opposition should apologise, not just to the Victorian community, but to our hardworking Victoria Police members who put their lives on the line.

Honourable members interjecting.

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

Honourable member for Ripon withdrew from chamber.

Honourable members interjecting.

The SPEAKER — Order! Members on my right will come to order. The Minister for Consumer Affairs and Gambling and Liquor Regulation! The member for Bentleigh! The Attorney-General is warned.

Privacy and data protection

Mr M. O'BRIEN (Malvern) — My question is to the Treasurer. On 1 July your new taxes increased the price of new cars, put up the price of off-the-plan apartments for the majority of buyers, put a new tax on spouses transferring properties between themselves, and country people at risk of your new tax on properties in Melbourne will now have to keep a diary showing how many nights a year they slept in their own homes for the benefit of bureaucrats at the State Revenue Office (SRO). Treasurer, how can Victorians have confidence that this intrusive personal information you are demanding they provide to the SRO will be kept secure?

Honourable members interjecting.

The SPEAKER — Order! The Minister for Consumer Affairs, Gaming and Liquor Regulation will leave the chamber for a period of 1 hour.

Minister for Consumer Affairs, Gaming and Liquor Regulation withdrew from chamber.

Mr PALLAS (Treasurer) — I thank the member for Malvern for his question. It was a dignified question. It

was the sort of question that you would expect from a leader. It was magnificent. It goes really to the heart of the opposition's basic attack upon the right of every Victorian to be able to access affordable housing. While this government is out there putting in place measures to require the use of the built environment to accommodate every Victorian, those opposite demean it, attack it and they undermine what is fundamentally an appropriate use of the resources of the State Revenue Office. But let us look at the contrast, because the question —

Mr M. O'Brien — On a point of order, Speaker, and it relates to relevance. The question is about the government now requiring people to keep diaries of where they sleep and provide it to tax office bureaucrats. How can this Treasurer assure people that information will be kept safe?

Mr Merlino — On the point of order, Speaker, the member for Malvern asked a question that mentioned the need for people to keep diaries. The question today is: what are the diary notes of the Leader of the Opposition's meeting with the Mafia? Let us talk about diary notes then.

The SPEAKER — Order! The Deputy Premier will resume his seat. The Deputy Premier is not assisting the house.

Mr Battin interjected.

The SPEAKER — Order! I ask the member for Gembrook to withdraw that comment.

Mr Battin — I withdraw.

Mr PALLAS — I thank the member for Malvern for his clarification of the point of his question, but I would encourage him to keep the dignified tone. I mean, every question is an audition; it is an opportunity as well.

The State Revenue Office will put in place such measures as they see appropriate in order to ensure that the principles underpinning this legislation are met and honoured by all property owners. If they keep vacant properties, if those properties could otherwise properly be occupied by people desperate to move into housing, to access housing, then quite frankly that is appropriate. There are many and very substantial exemptions in this legislation that deal with the right of people with holiday homes, people who have housing for work — all of those things. But let us not forget, because this question went to —

Mr Walsh — On a point of order, Speaker, I ask that the Treasurer come back to answering the question. If he is talking about diaries and where people sleep, perhaps he could actually release the diary for the member for Tarneit as to where he slept. That would be very useful information for all Victorians to know.

The SPEAKER — Order! The Leader of The Nationals will resume his seat.

Mr PALLAS — I thank the Deputy Leader of the Opposition and recognise of course that he should not be in the position of asking for diaries to be released — although the Liberal Party are doing a good job of leaking to the world conversations around just about everything. So far as the government is concerned, the State Revenue Office will put in such measures as they see appropriate for the purposes of ensuring the integrity of the statutory regime that this Parliament only recently passed. The former coalition government failed to meet their own growth estimates. Let us remember —

The SPEAKER — On a supplementary question, the member for Malvern.

Supplementary question

Mr M. O'BRIEN (Malvern) — Treasurer, on your watch, the State Revenue Office has engaged in the worst personal privacy breach in its history: 4400 overdue tax notices sent out to the wrong people; notices containing personal information including names, addresses and personal financial information. Treasurer, given that you are incapable of keeping existing personal data safe, why should Victorians trust you with information about their sleeping arrangements?

Mr PALLAS (Treasurer) — You have got to wonder when those opposite get up and talk about privacy breaches. Fair dinkum! I would imagine that taping telephone conversations would probably, in an order of magnitude, be right up there. Those opposite have no credibility when it comes to protecting the privacy —

Mr M. O'Brien — On a point of order, the Treasurer is halfway through his answer and he has not addressed the question. It was the worst privacy breach in SRO history, and he wants to get diaries of where people are sleeping at night. He needs to come back to answering that question.

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

Mr PALLAS — The State Revenue Office do a very good job, and they ensure that the state of Victoria is resourced sufficiently to build on the infrastructure that we are delivering, to make sure that the people of Victoria get the services and support that they need. So far as privacy is concerned we will not be taking any lectures from the leaking Liberal Party or any of their acolytes. To be clear, the processes that the opposition member is complaining about, he was more than happy to accept when he was Treasurer.

Honourable members interjecting.

The SPEAKER — Order! The Treasurer has concluded his answer. I expect better behaviour from the members on my left.

Ministers statements: transport infrastructure projects

Ms ALLAN (Minister for Public Transport) — I am delighted today to rise to update the house on the terrific progress that the Andrews Labor government is making on its record \$30 billion of transport infrastructure investment that is going on right across Victoria. I want to start with level crossings. Victorians know well that we took the commitment to remove 50 dangerous, congested level crossings to the November 2014 election and we are getting rid of them at a rapid pace. What Victorians may not be aware of, of course, is that two of these level crossings —

Mr Watt interjected.

The SPEAKER — Order! The member for Burwood.

Ms ALLAN — I am very pleased to advise the house that two of these level crossings are at Grange roads — one in Alphington and one in Carnegie. Victorians can be assured that when the Andrews Labor government thinks of 'Grange', we are thinking of Grange in the context of getting rid of dangerous and congested level crossings. We know the only time those opposite, and particularly the Leader of the Opposition, think of Grange is when he is washing it back with some lobster.

The SPEAKER — Order! The Leader of the House!

Honourable members interjecting.

The SPEAKER — Order! Members will come to order. The Minister for Housing, Disability and Ageing,

and the member for Gembrook will leave the chamber for the period of 1 hour.

Minister for Housing, Disability and Ageing and honourable member for Gembrook withdrew from chamber.

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

Ms Allan — On the point of order, Speaker, I was clearly referring to the removal of level crossings and how less time on Grange Road means more time getting stuck into Grange, if that is what the Leader of the Opposition wants to do. It is entirely relevant to my ministerial portfolio, and whoever stands up and defends the Leader of the Opposition is defending his allegiance to members of the mob.

Mr Walsh — On the point of order, Speaker, can I tell the member for Bendigo East that I am very happy to stand up and defend the Leader of the Opposition. If she wants to get into a character war —

Honourable members interjecting.

The SPEAKER — Order! Points of order are not an opportunity for members to have a debate across the chamber.

Mr R. Smith interjected.

The SPEAKER — Order! The member for Warrandyte is warned. Does the Leader of The Nationals wish to continue his point of order?

Honourable members interjecting.

The SPEAKER — The Leader of the House is warned.

Mr Walsh — Further on the point of order, Speaker, you have effectively answered it, but if the member for Bendigo East wants to get into a character debate, let us start talking about Peter Marshall, let us start talking about John Setka, let us start talking about the associations of those on the other side of the house with people who have long criminal records.

Honourable members interjecting.

The SPEAKER — Order! I ask the member for Burwood to come to order, and the Minister for Roads and Road Safety. I ask the Leader of the House to come back to making a statement.

Ms ALLAN — Our record transport investment will make it easier and quicker for people to get from where they live to where they want to go. They might want to go from Bulleen to Beaumaris, for example, and they will be able to do that quicker and faster. We are even providing a new public transport option to help people get there from Southland with the construction of the new Southland station. There is the new Chandler Highway bridge to help people get across the Yarra, and of course from Southland station to Beaumaris we are getting rid of the level crossing at Mentone, making it safer as well for people to get there.

This is the hard work of government. We are getting on and delivering the transport infrastructure that this state needs. While the Leader of the Opposition has been caught out wining and dining with his mates in the mob we are getting on with delivering this investment.

Privacy and data protection

Mr M. O'BRIEN (Malvern) — My question is to the Treasurer. The State Revenue Office has referred its scandalous personal data breach to the commissioner for privacy and data protection, an agency your government has just nobbled as payback for inquiring into the Premier's extraordinary demand that cabinet ministers produce their personal mobile phones to find out who has been undermining him —

An honourable member — Because of leaking.

Mr M. O'BRIEN — Because of leaking. Given the privacy commissioner's office is being dismantled by your government's legislation, how can Victorians have any confidence that the SRO's privacy breach scandal will be properly and independently investigated?

Mr PALLAS (Treasurer) — I would like to thank the member for Malvern for his question. I have got to say that this is an amazing turn of events: the member for Malvern has asked two questions in a row. I am not sure whether that was actually a question or the member for Malvern employing irony, but integrity and privacy should figure prominently in his mind.

To answer his question directly, of course there is a continuing role picked up by the substitute and successor body to the privacy commissioner. That role and those responsibilities will be continued and carried out, and of course the government takes any breach of privacy seriously. Might I in fairness recognise that the State Revenue Office were very quick to identify the breach and to notify the world at large through the media and also the individuals directly concerned by way of very quick contact. Of course the greatest

problem when you make a mistake is to try to cover it up, and we know what happens when you try to tell a story that does not pass the lobster test.

Mr Guy — On a point of order, Speaker, on relevance. That was a very straightforward question to the Treasurer which he has not answered, and maybe he could admit some fault around a stolen dictaphone while he is at it.

Honourable members interjecting.

The SPEAKER — Order! Members will come to order. When the house comes to order —

Honourable members interjecting.

The SPEAKER — The member for Hastings and the member for Bentleigh will cease interjecting.

Mr Merlino — On the point of order, Speaker, the Treasurer was directly relevant to the question. The irony of the member for Malvern asking this question, and I am sure it did not get past the Leader of the Opposition's tick-off. It goes to the credibility —

Honourable members interjecting.

The SPEAKER — Order! The Deputy Premier will resume his seat. The Treasurer to continue answering the question

Mr PALLAS — To continue with the response to the question, the odour of a rotting political career is consuming us as it comes across this side of the chamber. Why would the Leader of the Opposition allow his number 1 opponent on his —

Mr R. Smith interjected.

The SPEAKER — Order! The Treasurer will resume his seat. The member for Warrandyte will leave the chamber for 1 hour for reflecting on the Chair. The Treasurer will come back to answering the question.

Honourable member for Warrandyte withdrew from chamber.

Mr PALLAS — This body is the commissioner for privacy and data protection. They will of course have a continuing role and responsibility to look into these matters and so far as the government is concerned it is important that we all take data security seriously. In so far as the government is concerned, it is unfortunate that this occurred.

The State Revenue Office, I will say in their defence, were very quick to acknowledge the problem, to put it

in the public domain and to refer it of course for appropriate investigation to the commissioner for privacy and data protection.

Supplementary question

Mr M. O'BRIEN (Malvern) — Treasurer, I wrote to the State Revenue Office seeking an investigation into potential land tax irregularities of the member for Melton over his rorting of the second residence allowance. The Commissioner for State Revenue wrote back stating, and I quote:

The Taxation Administration Act prohibits me from commenting on the tax affairs of any individual taxpayer. We treat all taxpayers' circumstances with the utmost privacy and confidentiality.

Treasurer, why is your government so careless with the privacy and confidentiality of 4400 Victorians' tax affairs, but so secretive with the tax affairs of one man, the rorting member for Melton?

The SPEAKER — Order! Before calling the Treasurer, I remind members and the member for Malvern of a previous ruling by Speaker Fyffe that the use of adjectives in members titles is inappropriate.

Mr PALLAS (Treasurer) — I thank the member for Malvern for his question. Is the member for Malvern suggesting that if he were to make an inquiry the so-called privacy of information that he so lauds as being breached in the case that he cites should be waived in the context of the inquiry that he makes? Quite frankly that is a double standard.

The State Revenue Office recognises and values its responsibility to keep data securely and properly. It is appropriate that when a mistake is made it is recognised. But I will tell you, what the State Revenue Office will not and should not do is release data to those opposite simply because —

The SPEAKER — The Treasurer will resume his seat.

Mr M. O'Brien — On a point of order, Speaker, I ask you to bring the Treasurer back to the question. It is about the double standards of 4400 Victorians having their tax information sent to the wrong people versus the government's cover-up of the member for Melton's tax affairs, and I seek leave to table the letter from the State Revenue Office on this point.

The SPEAKER — There is no ability to table the document, but you can make it available to the house.

Mr M. O'Brien — Thank you.

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

Honourable members interjecting.

The SPEAKER — The Treasurer has concluded his answer.

Ministers statements: Mordialloc bypass

Mr DONNELLAN (Minister for Roads and Road Safety) — It is a real pleasure today to update the house on the long-awaited Mordialloc bypass, very much a project which will slash congestion in the south-east. It is a 9-kilometre link from the Mornington Peninsula Freeway near Springvale Road, at the T-intersection in Aspendale Gardens, and links us all the way to the Dingley Bypass. It is another great project.

We know that in the 2017 May budget the state government committed \$300 million to this missing link. We know that we had four years of very little happening, so we knew that when we got in we had to get on with the job, which is very much what we have done. I know when we launched the geotechnical testing with the member for — he is not actually here at the moment — and with various members in the south-east, including the Attorney-General and others, they were all overjoyed because this road reservation has been there since 1957, and it was very much waiting for a Labor government to get on with the job.

We are also adding extra capacity to the Monash Freeway, so we do the work that needs to be done in the south-east. If you are in any part of the south-east and you need to get, for argument's sake, to the Lobster Cave in Beaumaris, the roads that the Labor government is building will provide you with a more reliable travel time journey. And if you are an opposition leader desperate to raise funds at the Lobster Cave, you can get there in a reliable way.

Honourable members interjecting.

Mr DONNELLAN — The problem is, you have been warned by your colleagues.

Honourable members interjecting.

The SPEAKER — Order! The member for South-West Coast will cease shouting across the chamber. I ask her to leave the chamber for the period of 1 hour.

Honourable member for South-West Coast withdrew from chamber.

The SPEAKER — Order! The manager of opposition business on a point of order.

Mr Clark — Speaker, you were distracted at the time, but the minister was departing from the requirements of making a ministers statement. I ask you to bring him back to order.

The SPEAKER — Thank you. I could not hear the last part of the minister's statement, but if he was digressing from making a ministers statement, I ask him to come back to making his statement.

Mr DONNELLAN — But let us be very clear. There have been numerous warnings to the Leader of the Opposition, whether it be from Bruce Billson or whether it be the police and others, that he should not have gone there.

Mr Clark — On a point of order, Speaker, the minister is defying your ruling. If he cannot return to making a ministers statement, I invite you to ask him to sit down.

The SPEAKER — Order! I ask the minister to come back to making a ministers statement.

Honourable members interjecting.

Mr DONNELLAN — Oh, and I forgot the former policeman, Jason Wood, who also gave a very strong warning about hanging around with those people.

The SPEAKER — Order! The minister has concluded his statement.

CONSTITUENCY QUESTIONS

Hastings electorate

Mr BURGESS (Hastings) — (12 910) My constituency question is to the Minister for Police. With armed robberies continuing to occur in townships throughout my community, including Baxter, Somerville and Pearcedale, I ask the minister on behalf of very concerned local businesses and residents who are now living in constant fear: when will you finally end your political game and open the Somerville police station?

Residents of Pearcedale, Somerville, Baxter and surrounding communities have to live in fear because of this government's inability to manage law and order. The Andrews government is the first ever state government to refuse to open a brand-new police station that was built specifically to protect its local community. The Premier and his police minister play

politics while my community lives in fear. We want our police station open and doing its job now.

Yuroke electorate

Ms SPENCE (Yuroke) — (12 911) My constituency question is to the Minister for Local Government. What is the time line for the construction of the new Aston Fields sporting precinct in Yuroke, which is being supported with a \$2 million investment from the Andrews Labor government's Growing Suburbs Fund?

This precinct, when completed, will give local residents a cricket oval, a massive playground, a sports pavilion, and three soccer pitches, which will no doubt be a wonderful new home for the Craigieburn City Football Club. I know the Craigieburn City Football Club would be particularly grateful for advice on a time line for the installation of lighting on the main field, and what measures are being put in place to ensure there is adequate change room and canteen space for the next season commencing in January. Like many in my community, I cannot wait for this precinct to open, and I look forward to an update from the minister.

Gippsland East electorate

Mr T. BULL (Gippsland East) — (12 912) My constituency question is to the Minister for Public Transport, and the information I seek is a time frame in relation to works to replace the Avon rail bridge at Stratford.

The announcement in June that \$95 million will be provided to replace the bridge was well received by those on the Gippsland line who head to and from Stratford and Bairnsdale stations. Following this, many locals have contacted my office to find out when the new bridge will be built. I have also had inquiries as to what the future holds for the existing bridge.

For years V/Line long-haul trains have been forced across the Avon River at extremely low speeds due to the condition of the existing bridge, making the replacement of the structure timely. The construction of the new bridge may also assist with the reinstatement of freight rail and increase opportunities for additional passenger services.

While I understand that specific dates may not yet be known, what I am seeking are the general start and completion dates of the works to replace the bridge. I would also be interested in any plans for the existing structure.

Carrum electorate

Ms KILKENNY (Carrum) — (12 913) My constituency question is for the Minister for Public Transport. This weekend I was delighted to join with the Premier to announce an extra \$50 million to build a new Carrum promenade as part of the Level Crossing Removal Authority works at Carrum, connecting the bay to the heart of Carrum. The new promenade will give bay views from the centre of Carrum, boost local trade and transform this beautiful beachside suburb.

My constituents would like to know: what is the status of the level crossing removal project at Carrum and how they can get further involved in the design stage of this exciting and transformative project for Carrum?

Eildon electorate

Ms McLEISH (Eildon) — (12 914) My constituency question is to the Minister for Roads and Road Safety and is related to the north-east link, which is of great concern to many in the south-east of the Eildon electorate.

This week the government announced four potential corridors. Corridor D is clearly and dramatically inferior to the other options. This is directly evident from the details in the North East Link Authority technical summary. Will the government now cease to allocate any further investigative funding to corridor D and reallocate the savings, which will be substantial, to more immediate road congestion measures across the north-east area, and allow the North East Link Authority to focus their attention on the other options so that the delivery of the required outcomes can be assured and the value to taxpayers maximised?

I also note that corridor D bisects the green wedge. The government's support of the green wedge is questionable. The member for Yan Yean said that a railway station at Eltham North cannot be built because of the green wedge, but apparently it is okay to build a freeway through it.

Macedon electorate

Ms THOMAS (Macedon) — (12 915) My question is to the Minister for Roads and Road Safety. My community in Romsey and surrounds have been actively engaged in developing a traffic management solution to the notorious Barry Street and Main Street intersection. We have had community information sessions, and in the latest VicRoads survey, which closed just last week, more than 500 people have shared their views. As the minister is aware, it was an election

commitment of mine to get this intersection designed and developed, so my question to the minister is: when will we know the preferred design solution for the Barry Street and Main Street intersection in Romsey?

Melton electorate

Mr NARDELLA (Melton) — (12 916) My question is to the Minister for Energy, Environment and Climate Change. The Melton regional park, officially called the Toolern Creek Park, was established by the previous Labor government. My question is: will the minister visit the site and meet with the Melton City Council and me to discuss further steps for the development of this important public initiative? The Atherstone estate is along this particular part of the park as well. It is part of the growing suburb that is Melton and Melton South. There is a need for further investment, and it would be great if the minister would come out, have a look at the new regional park and talk about how we can progress to the next step for this great initiative.

Broadmeadows electorate

Mr McGUIRE (Broadmeadows) — (12 917) My question is to the Minister for Veterans, and I ask: what studies has the Victorian government made into the history and heritage of the Camp Road complex in Broadmeadows, featuring the Maygar barracks. This is the site where diggers, light horsemen and Victoria Cross winners were trained and dispatched a century ago to fight at Gallipoli and the Western Front. With the ebb and flow of history the site was converted into a hostel where wave upon wave of post-World War II migrants, including large numbers of families from Turkey, first called Australia home. My concern is that such history and heritage be honoured, instead of being overlooked or dismissed when other proposals for development within this historically significant site are considered.

Nepean electorate

Mr DIXON (Nepean) — (12 918) My question is to the Minister for Energy, Environment and Climate Change. Minister, what are the environmental benefits of constructing a rock wall on what used to be Portsea beach over the options which entail either an offshore dredge or an artificial reef? The government's decision to build a rock wall on what used to be Portsea beach is for the benefit of their rich mates further down the coast, who will gain enhanced beaches but at the cost of the public beach at Portsea, local businesses and local jobs, as well as environmental degradation of the coastline of the Mornington Peninsula National Park.

Pascoe Vale electorate

Ms BLANDTHORN (Pascoe Vale) — (12 919) My question is for the Minister for Roads and Road Safety, and I ask: what state government funding has been provided to upgrade recreational trails in the Pascoe Vale district? The district is fortunate enough to be framed by two of Melbourne's best recreational trails, the Merri Creek trail and the Moonee Ponds Creek trail. Not only do these trails provide considerable social and environmental value but they provide economic benefits in encouraging tourism in the area and also provide alternative transportation routes for commuters, which helps reduce local traffic congestion at the same time. It is important that appropriate resources are provided to maintain and improve these trails to ensure that they continue to provide demonstrable benefits for our community for many years to come, and I ask what funding has been made available?

ENVIRONMENT PROTECTION BILL 2017

Second reading

Debate resumed.

Mr McGUIRE (Broadmeadows) — Victoria's Environment Protection Act 1970 was one of the first in the world to establish a comprehensive legislative framework for protecting our environment, and a component that was fundamental was the creation of the Environment Protection Authority Victoria (EPA). Since 1971 the EPA has played a major role in protecting Victoria's environment, working with business, local governments and the community. Reducing pollution and managing waste have been two of the most critical propositions that it has had to deal with.

I want to thank the Victorian government for the budget provision in 2017–18 of \$162 million over five years to implement the Labor government's response to the independent inquiry into the EPA, and I point out that that is the first comprehensive examination of the authority since it was established. These reforms are critical and relevant so that we have a strong and modern environmental regulator that can deal with the issues that we now confront.

As I was referring to before the debate was interrupted, we have seen the dangers that can arise from what is now seen as the national problem of waste stockpiling. That was dramatically exposed in the state district of Broadmeadows with the SKM Recycling facility in Coolaroo and the toxic fire that produced a plume that went all the way into the central business district.

I commend the Victorian government at the leadership level. The Premier came out and reassured the community. It was important to have him there with his leadership and authority and for him to be able to make statements when the fire had been contained. The Deputy Premier and Minister for Emergency Services was also front and centre, making sure that the coordination and collaboration was there from all of our emergency services. That was really important as well. I want to acknowledge the effort that they made. I want to thank the Minister for Energy, Environment and Climate Change as well for her coordinating role in pulling things together. She also had to deal with other ministerial duties interstate at the time.

This issue is now of national significance. Only this week it was featured on the ABC's *Four Corners*. The program revealed what is happening across state borders, particularly from New South Wales to Queensland. This legislation, as part of a raft of reforms, is really critical to address what has happened. We now have the legislative reforms that are being put through the Victorian Parliament. We have more to come on this, and we also have the record funding that has been put in to give the EPA more authority. I am delighted with the response that has occurred, because I called immediately that it had become apparent how significant this fire was in Coolaroo for greater scrutiny, accountability and compliance, and this is really the framework to actually address that and give the EPA greater powers.

With waste management policy, there will be more to come on recyclable materials and what are the risk assessments by operators, what is the compliance that is needed and how do we address the polluters who are not complying or dodging the system, as has been revealed in the media as well as by the authorities.

I know that there are a number of other people who want to speak on this bill, and I am happy to yield to give them an opportunity.

Mr D. O'BRIEN (Gippsland South) — On the same note as the member for Broadmeadows, I will keep my contribution brief on this legislation. It is important legislation, but it is not a massive reform of the Environment Protection Authority Victoria (EPA) that we are talking about here. This is largely mechanical stuff, as I understand it, and we will set up for future, more widescale changes to the EPA that I understand the government is currently considering.

The EPA does play an important role in protecting our environment, reducing pollution and ensuring that industry and other organisations are doing the right

thing. I must say that although in some respects I have not had a lot to do with the EPA, I do get a general sense of concern in my electorate from people, often those in primary industries, who are concerned about the way the EPA comes down on minor infringements in particular. I appreciate that the EPA is performing its role, but there is concern sometimes, particularly from the farming community, which has changed its approach considerably over recent decades when it comes to off-farm effluent spills in particular. It has improved that dramatically and is very aware of the issues surrounding water catchments and, in the main, doing the right thing. For those who sometimes, through no fault of their own, do incur issues, sometimes I get the feedback that the EPA is just a bit too over the top in its enforcement provisions.

Equally we had an issue of the reverse recently in Gippsland — in the electorate of the member for Morwell, but effectively just across the border from mine — at Flynn, where Gippsland Water unfortunately had a sewage spill from one of its main sewers that travels through a dairy farmer's land. That resulted in significant impact on that farmer, with Biosecurity Australia putting in quarantine and movement restrictions on this farmer's cattle, at great cost to that farmer. While this is really an issue with Gippsland Water and Gippsland Water's insurers, the EPA has been involved.

I was sympathetic on one aspect to Gippsland Water. The EPA was critical of Gippsland Water for reporting the spill 3 hours after it occurred rather than within 30 minutes, which is required. I thought Gippsland Water's response was fair enough — that is, 'We were focused on trying to stop the spill from getting worse and cleaning it up'. Having to report it to the EPA within 30 minutes was not its main focus. As you can imagine, in an incident like this in 30 minutes you barely know what is going on, let alone worrying about reporting it to the appropriate authorities. There has been an internal review of the EPA's own response, I understand, but we are still waiting for Gippsland Water and their insurers to ensure that the Fergusons, the farming family involved, are adequately compensated for this mistake.

I have also had an instance with respect to the timeliness of the EPA in dealing with applications. I would encourage the government, and the EPA more generally, to ensure that when there are significant business propositions put forward that will lead to more jobs or the shoring up of jobs, particularly in our rural areas, they act within the best practice time lines to give approvals for various applications. I had one instance of an abattoir in my electorate seeking to expand with a

rendering plant. It did take quite some time for the approval to be given. I am not suggesting that they should be giving approvals just because they are good for the economy or for jobs; I am just saying that, approval or rejection, the decision should be made as quickly as possible.

This legislation, as the previous speakers have outlined, makes structural changes to the EPA, giving for the first time a proper objective to the authority — that is, to protect human health and the environment by reducing the harmful effects of pollution and waste. The act currently does not have an objective as such.

The bill also provides for functions with respect to the governance of the authority. There is the introduction of a governing board of authority, bringing it into the Public Administration Act 2004 and making it a public service body, which brings it into line with other statutory authorities and other state-owned entities. I think that is probably a sensible approach. There are a number of other consequential amendments that will be made too, but I look forward to seeing what is proposed in future by the government with respect to the overall role and powers of the EPA. I caution again that as critical as it is that we have a body like this to maintain our environment and ensure that all Victorians and business and industry are doing the right thing by the environment, it is equally important that the EPA is responsive to the needs of industry — primary industry in particular — and understands the need for reducing red tape and reducing delay unnecessarily.

I will leave my contribution there, confirming that the opposition is not opposing this legislation. I look forward to seeing the future proposals by this government.

Mr HOWARD (Buninyong) — I am certainly pleased to add my comments in regard to the Environment Protection Bill 2017. This government is very concerned to ensure that we show best practice and good leadership in regard to protecting our environment. I want to particularly congratulate our Minister for Energy, Environment and Climate Change, who is doing a great job to ensure that we do show leadership in this area. This relates to a very broad range of activities that we appropriately should do as a government in addressing issues associated with climate change, providing for renewable energy as much as we can and ensuring a clean environment and a sustainable environment for future generations.

As part of that, we need to ensure that the Environment Protection Authority Victoria (EPA) — an agency established way back in 1970, a world first at the

time — as an agency acts in a way that ensures we can undertake the scientific evaluation of proposals in terms of land use and follow up on land use issues to ensure that the health of our community and our environment is being protected in an appropriate way. This body should have the appropriate opportunities to either prevent inappropriate activity from taking place or bring about sanctions against people who have done the wrong thing.

We know that when the EPA was established there was concern about the quality of our waterways. For example, at that time the Yarra River was being used as an industrial wasteland. Waste from industry could be flushed down our rivers, because people seemed to think at that time, or prior to that time, that that was an appropriate thing to do. We saw in so many ways industry and people in our communities inappropriately using waterways to dispose of waste and doing a whole range of things that were clearly very deleterious to our environment.

It has been great to see that since the EPA was established in 1971 it has been able to change the views of industry in regard to its responsibility for dealing with waste and also the views of local councils to ensure that they understand their responsibility in ensuring we use scientific best practice in dealing with waste and landfill. There are clearly substantial challenges associated with dealing with the huge amount of waste product in our communities. In a whole range of ways the EPA has been there to change the community's view on our need to act in ways that recognise the potential harms to our environment, living spaces and health, and that has been great to see.

Ahead of the last election, as part of the now Andrews Labor government campaign policies, we said we wanted to reflect strongly on best practice in regard to our environment. We said that as part of the suite of activities we would be undertaking as a government we would be reviewing the EPA, because after 40-plus years of operation it was important that the EPA be reviewed with a view to strengthening the activities it can undertake. While the EPA has done a fantastic job during its time of operation, there have been times when it has been criticised — quite often because it has been under-resourced. That is why it is important we both review the operation of the EPA and allow for its proper resourcing.

It has been encouraging to see that in this last budget we announced an unprecedented \$162.5 million over the next five years to support the EPA and its activities. To underpin that we reviewed the operation of the EPA. This bill is the first of two pieces of legislation that we

will bring forward to strengthen the operation of the EPA in not just seeing it as, more or less, a sub-department of government or an associated department with just a CEO, but that we want to strengthen it by having a proper board to provide expert support and advice to the EPA in order to clarify the objectives of the EPA — something that was not in the original legislation.

We are recasting the legislation in regard to the EPA to strengthen its role and to make clear its objective, and the objective is to protect human health and the environment by reducing the harmful effects of pollution and waste. We have clarified that as a very clear goal which focuses on our environment and human health as being the responsibilities of the EPA. We have strengthened its role under the Public Administration Act 2004, which changes it from an administrative office to a public entity. This strengthens its independence from government decision-making. This will therefore play a role in the community feeling confident that the EPA will in the future represent and support their needs in terms of human health and in keeping our environmental management sustainable.

The functions of the EPA's chairperson have been set out to clearly represent the changes that we have identified, and as I said, there will be a new governing board established to oversee the management of the EPA. That will have between five and nine members, who will have expertise in the areas of science, engineering and public health. This will strengthen the role of the EPA. Those areas are vitally important in its running. It needs to receive the best scientific advice and the best engineering advice, because the EPA looks at works approvals for new businesses and for council, at waste management facilities and so on. It needs to receive the best scientific and engineering advice to be able to grant those approvals, and to back that up it needs good human health advice. The board will also be in a position to establish advisory committees and bring into play other people with expertise to assist the EPA with its work.

I am very confident that with this legislation we will see significant improvements to the ways the EPA can do its work independently and not necessarily always have to refer back to the Department of Health and Human Services but be able to undertake its own assessments. While I did not intend to speak so fulsomely on this bill, it is something that is very important to me and very important to our community. It is important that the government gets it right when supporting the EPA both with dollars for resourcing and the legislative framework that backs this up. I support this bill and look forward to comments from others in this regard. I look forward to a

good, sound future for the EPA in representing the people of Victoria.

Mr McCURDY (Ovens Valley) — I am delighted to rise and make a brief contribution on the Environment Protection Bill 2017. As my colleagues have stated before me, the opposition will not be opposing the bill. The Environment Protection Authority Victoria (EPA) is an important authority for all our communities. It ensures that the environment in which we live and raise our families is safe and sustainable. The bill aims to create a new objective for the EPA, to provide for a new governance structure for the continuation of the Environment Protection Authority, to make changes to the governance of the authority in order to provide for the governing board of the EPA and to make consequential amendments to the Environment Protection Act 1970 and the Public Administration Act 2004. It appears to me that these are minimal changes affecting the EPA and how it will operate into the future.

I understand that there are some parts of this that will reduce red tape, and red tape reduction is a great outcome. For all the EPA's positives, communication and red tape are not among their strong points. This observation is a personal one, but it is also a view held by many in our community who have crossed the path of the EPA over the years.

I can give an example of that in Wangaratta. There is a continuing concern which is still a live issue at the moment around lead contamination at the North Wangaratta football ground. Members of the Wangaratta Clay Target Club, which is based next door, have over the years sprayed the odd pellet and have left a bit of residue on a very small part of the football oval right next door to where they shoot their clay targets on the weekends. Obviously there has never been any fear of people being on the football ground at a time when the odd pellet has sprayed, but nonetheless it has left a very small amount of lead contamination on the football ground.

I am a strong supporter of safety in our community, and when I say 'safety', I mean safety against violent offenders, keeping our families safe in their homes, and of course road safety, but the way in which the EPA approached this particular issue was way over the top compared with what one would see as a reasonable solution. They closed down the entire ground, the pavilion and the netball courts. They closed the entire location, which again, as I said, was an over-the-top response to lead contamination. I am not for a moment blaming the Wangaratta EPA staff — they were simply following the rules and the red-tape requirements —

but the upheaval that the North Wangaratta Football Netball Club has had to endure is simply quite ridiculous. They continue to play home games at the Norm Minns Oval and to be homeless as a club while the clean-up of the site continues.

This is a great community club that is on its knees, and it really did not need to be that way. It was because of the heavy-handed actions of the EPA. Does the site need to be cleaned up? Of course it does. I am sure it does. Could it have been approached in a manner that was more inclusive of stakeholders and ground users? Absolutely. I believe it could have and should have been. Lead contamination on a small section of the ground could have been treated as what it was — a small area of a football field. It could have been treated differently, as opposed to the whole site being treated like a nuclear war zone and the whole precinct being turned into a lockdown site, which was a bit disappointing for that small community, who have been doing it tough. I compare the reaction of the EPA to using a sledgehammer to drive home a thumbtack.

The new governance model for the EPA that this bill will support may help in the communications and the way in which the EPA works and operates and certainly is perceived in the community. Due to the overkill and regulations, the gun club, the footy club and other users of the community area have been deprived of what is predominantly a safe site. This is only one example that I am putting forward today.

I noted that the member for Gippsland South also mentioned farming communities. They can cite many strongarm tactics that have been used on them by the EPA. This is not necessary. Of course we want to ensure that the environment is well protected and sustainable, as I said in my opening comments, but if our police force took the same brutal approach to a jaywalker or a litterbug, there would be community outcry in terms of how heavy-handed they were being in their enforcement. Again I think the EPA can improve in the areas of communication and red tape.

On the bill, part 1 of the bill provides for preliminary matters — namely, the purposes and commencement of the bill. Part 2 provides for the Environment Protection Authority. It is a rather general part which does not deviate from the current arrangements of the EPA. Other changes made by this bill provide for the establishment and functions of a new governing board of the authority. It replaces the single-member authority structure on the advisory board with a governing board of between five and nine members. I believe it will assist the EPA to have more than just a single person there — to actually have a board making decisions for

the entire EPA. It will provide a better governance structure. It will give the government of the day an opportunity to bring on people with the skills and fields of expertise that are required. This will allow the EPA to run more like a commercial business in handling day-to-day issues but also to employ people with specific skills on an as-needed basis.

The bill also provides for the proceedings of the governing board, the governance arrangements regarding the members of the board and the employment of staff in the authority. This does not seem to be out of the ordinary compared to the traditional practice of other boards. When looking at other boards, this is quite similar. We understand that the EPA will put this into place to make sure that they have got the governing structure right.

As my colleagues have said previously to me, we will not be opposing this bill. I for one certainly look forward to the new, improved governance of the EPA after this bill goes through.

Mr PEARSON (Essendon) — What a joy it is to see you in the chair, Acting Speaker Spence, on this magnificent Wednesday.

I start my contribution with a quote:

The great question of the seventies is, shall we surrender to our surroundings, or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, to our land, and to our water?

Restoring nature to its natural state is a cause beyond party and beyond factions. It has become a common cause of all the people of this country. It is a cause of particular concern to young Americans, because they more than we will reap the grim consequences of our failure to act on programs which are needed now if we are to prevent disaster later.

Clean air, clean water, open spaces — these should once again be the birthright of every American. If we act now, they can be.

We still think of air as free. But clean air is not free, and neither is clean water. The price tag on pollution control is high. Through our years of past carelessness we incurred a debt to nature, and now that debt is being called.

That was, of course, Richard Nixon talking about the creation of the United States Environmental Protection Agency in 1970, which I think just beat the creation of the Environment Protection Authority Victoria (EPA) in the same year. As I think of Henry Bolte's legacy as Premier, I would not have thought that this august body would have been created under his charge; I thought it was more of a Hamer-esque creation. Nonetheless, this is an interesting quote from Nixon.

I read a very good biography of Nixon by Conrad Black. Nixon copped a fair amount of criticism from the more conservative wing of the Republican Party in relation to the creation of the United States Environmental Protection Agency, particularly for putting additional regulatory compliance requirements upon the private sector in America. I think Nixon's response was that he needed to balance himself out. He was very conservative, and he felt by creating the EPA it softened his image. It probably did not really do much in light of subsequent events, but nonetheless he should be congratulated for that initiative, as should Sir Henry in mimicking and following the lead of the American.

It reminds me of an article by Ross Gittins in the *Age* that I read during the break. He talked about the pendulum of public policy, that a pendulum is gradual and shifts but when it swings, it swings back gradually. When you look at the rampant abuses of laissez-faire capitalism which seemed to dominate post-war Western economies like Australia and America, by the late 1960s there was the realisation and appreciation that action needed to be taken in order to address the decline in our natural environment.

I look to my electorate. The Maribyrnong River now is a wonderful waterway. It is very popular with my constituents. We are looking at increasing the fish stock in the river. It is a great recreational reserve for the people of the state district of Essendon, as it is for that matter for those who live in Niddrie and Footscray as well. But clearly back in the 1950s and 1960s it was quite degraded in terms of the quality of the waterways. So it was appropriate that the EPA be established, as it was by the Bolte government.

I must admit that in my former life I would sometimes look at the EPA and struggle with trying to understand the way in which the EPA was constructed. From the point of view of organisational development, was that the most efficient and effective way in which that organisation could or should be structured? The reality is that by creating a statutory authority we give greater power and influence to an organisation like the EPA.

One qualification I have though is that statutory authorities sometimes can become their own beasts and they can sometimes be somewhat difficult to manage from the point of view of the executive. As a case in point I remember looking at Hydro Tasmania and comparing their offices with the offices of the government, and from memory I think the office of the CEO was a far more salubrious environment in which to work than the Premier's office in Tasmania. But anyhow that is just an aside. I will not be casting more aspersions against Tasmania and their statutory authorities.

Nonetheless, it is important that we look at having proper structures in place around these authorities. I think the notion of having an independent board is very good, and I think a board of five is very good. When I chaired my board I found that five was a good number. Once you get past 10 it starts to become a bit unwieldy in terms of management, but five gives you a good opportunity to have a lawyer and an accountant as treasurer. You can have a wideranging debate, but it is usually fairly manageable.

Dragging this organisation from the 1970s into the 21st century and modernising the board and ensuring the CEO is accountable to the board is a very good initiative, as well as providing some authority around the way in which the chief executive officer can discharge her or his functions.

It is an important piece of legislation. With all these things, those of us who are quite fascinated by and interested in public policy must look at continual improvement. We must look at trying to find ways in which we can ensure that statutory authorities, departments or agencies are the best that they can be, that they take on board new learnings and new insights, and that we look at continuing improvement, because the reality is most of us can try better and we can do better. We need to reflect on the lessons we have learned. We need to take on board the fact that society has changed and the values of the community have changed, and we need to respond to that. I think an initiative like this is incredibly positive.

It is somewhat amusing at times to think that the EPA both here and in America were the creation of people who were quite conservative in their own way — Nixon and Bolte — but they are really important. They are to be commended and congratulated on having that foresight and that vision to create those authorities. We are a better and a richer community and society as a consequence of that. This continual evolution of improving agencies like the EPA is most welcome. With those brief comments, I commend the bill to the house.

Ms SHEED (Shepparton) — I feel somewhat inadequate following the erudite and philosophical contribution of the member for Essendon. I rise to make my contribution on the Environment Protection Bill 2017. It is a bill that introduces significant changes in the management of the Environment Protection Authority Victoria (EPA). It aims to modernise the EPA's governance, clarify its organisational objectives, create a new role for a chief environmental scientist and amend its status to that of a public entity.

I spoke yesterday briefly about the tyre dump close to the town of Numurkah in my electorate. It poses a significant fire risk and has been both a public health and environmental hazard for a number of years. It caught fire in 2013, forcing residents to stay in their homes and keep their doors and windows closed while firefighters battled to get the flames under control. The chance of this occurring again is real, although the consequences for the community could be much greater, because the tyre dump is very large. We saw at Coolaroo just recently the consequences of a fire in these waste recycling places, resulting in a significant number of people being evacuated from that area.

In addition to that there are also estimated to be 9 million tyres at the Stawell tyre dump, one of the biggest tyre dumps in the world. It is now owned by an internet marketing company based out of Panama, where they do not have to disclose who their directors or shareholders are. It really creates a question about how someone or even a government deals with this. I understand the EPA has threatened to take control of this site to deal with the issues around it.

However, it certainly raises the much bigger issue of waste management that is out there. It is something that we all struggle with. I am sure we were all interested to see the ABC's contribution on waste and the coffee cups sitting packed into a tram, the big ball of plastic bags outside Parliament House, and of course the *Four Corners* program on Monday night, which highlighted what can only be described in some instances as illegal activity in terms of the dumping of waste material. The program brought home to me the fact that it appears that the recycling industry has crashed. The recycling of product that was once able to be used productively and turned into other goods is presently in a crisis in that nobody wants it. For instance, it would seem that the recycling of glass is a more costly exercise to do in Australia than it is to just buy bottles from China, which is a much cheaper situation. The fact that that has happened really raises very serious issues around how we are going to deal with waste in the future, because I think we thought that recycling and the re-use of a lot of product would be part of the answer. It avoids of course so much going to landfill.

With the tyres at Numurkah the Shire of Moira went so far as to take the owners of the site to the Supreme Court. The shire successfully obtained orders against them, but again it is just this long and continuing saga of how you get action and how you make something happen. While there are orders in place, it is a very slow process, and in the meantime anything can happen, and of course it has happened in a number of places.

The potential health implications of these sites and the impact on communities and people is really important. I welcome that this bill provides that the health impacts on communities will now be one of the objectives that the EPA will be able to take into account. It will also have more teeth when it comes to dealing with some of the matters I have described.

There are some other welcome changes. They bring the EPA more into line with community expectations. They reflect that interconnectedness between the environment and human beings and human wellbeing. The member for Essendon talked about the 1970s approach to somehow coming to terms with our environment, but as well as that, as individuals and as communities we are now really concerned about the health impacts on us individually.

With things like chemicals in waterways, even the recent issue of *Weekly Times* is highlighting the use of chemicals that are polluted with other chemicals being used on crops to the detriment of crops. It would appear from that reporting that there is very little regulation of product coming in in huge quantities from China and being used on crops. So much of what we put on plant material ends up in the food chain. We all know that. We all worry about that. So while the role of the EPA is not to monitor every aspect of this — there are many agencies that are engaged both at a federal and state level to look at these things — again I certainly welcome this sort of a change, and I think it does meet community expectations to do that.

We have seen the Hazelwood fire and the implications of that on public health. In fact the then chief medical officer was criticised for taking three weeks to advise the people of Morwell of the implications to their health and that maybe they should think about moving for a short time. The Fiskville fire indeed also raised issues, and I was listening to you, Acting Speaker Ward, when you spoke on some of the criticisms of the EPA arising out of that.

The legislation also provides for a new governing board. Up until now it simply had a chairman alone filling that sort of governance role. I think people again would welcome a more broadly based board with the range of skills that it would be anticipated that would bring — the appropriate scientific, engineering and governance expertise that you would expect of a modern board. The introduction of a chief scientist will also I think increase the credibility of the EPA and probably broaden the range of activities that it is able to engage in.

Governance of course is a particularly important issue, and it is a challenge for all boards. Every now and then, or quite regularly indeed, we see challenges that companies and boards face in relation to governance issues. I think most recently the Commonwealth Bank of Australia example is a classic case of a situation where things are happening within an organisation where the board may not be fully apprised of what is going on or what they certainly ought to be. I remember when I did the company directors course many years ago one of the real takeaways from that was the importance for board members to know what their business is and to actually walk the floor. If it is a hospital board, walk through the wards; talk to a few people. You do not have to do it all the time, but understand what the business is. Understand what the service you are providing is. Talk to the people who work in the business or the organisation, be apprised of what is going on, listen to people and understand what complaints are being made about your organisation.

That governance role is really important. I think in current times we have seen a real lack of that connectivity between board members and their organisations, and there is always that conflict that you face between getting involved in the day-to-day operations and maintaining your governance role as a board member. There is a line that has to be walked, and for you to do your job properly you have to understand and know the business or the service that you are providing and be responsible for it, because as directors on a board you are responsible for it.

The HIH case was another example of a gross lack of governance. That goes back a long way now, but the impact on the building industry and the insurance industry at that time was great and led to a number of court cases, with one of the prominent judges in one of the cases reflecting on the evidence he had heard over a long period of time and saying, ‘If only people had asked the question, “Is this the right thing to do?”’. I think when I look at all of those examples that I have given previously of things going wrong, of problem areas: had people asked that question, we would not be seeing so much failure of governance in a range of boards and organisations.

My time is nearly up. I support this bill. I think it continues to modernise a piece of legislation that is really important in our society and that our community expects to have, and these changes should promote environmental protection in our state generally.

Mr CARBINES (Ivanhoe) — I am pleased to make a contribution to the Environment Protection Bill 2017. It comes from a seminal piece of work that the

Andrews government in opposition committed to. It committed to doing a comprehensive review of the role of the Environment Protection Authority Victoria (EPA), its status and its legislative and regulatory powers and to try to ultimately make a connection between its role and obligations under law and also to better meet the community’s expectations of what the environmental cop on the beat should be doing to ensure that people are protected, that people feel that when they have concerns and issues about the way in which our environment is protected, both the physical environment but also their own environment from a health and safety perspective, the EPA is able to adequately address and manage those issues.

Given that the act was originally established back in 1970 it is quite extraordinary, but at the same time it says a lot about the progressive nature generally of public policy in Victoria over very many decades that we were one of the first countries in the world to have an environmental protection authority.

The work that we did in that review was very substantial, and it is no surprise that most members of this house, including those opposite, are supporting this bill — it was very much overdue — to try and get a better alignment between the public’s expectations of their EPA and its capacity to deliver on those community expectations. That is what this bill achieves. That is why this bill, I believe, should clearly get the support of most members of this house. There have been some discussions today reflecting on not only the report of the independent ministerial advisory committee set up by the former minister for the environment, the member for Bellarine. That committee’s report was released in May 2016, and then of course our response to the inquiry into the EPA was released publicly in January 2017. So there has been substantial work done to pull this together, and attention has been drawn to a range of initiatives in particular in relation to this bill.

Of course, there will be now a statutory objective for the EPA, which is to protect human health and the environment by reducing the harmful effects of pollution and waste. The EPA’s status under the Public Administration Act 2004 will change from an administrative office to a public entity. That change is being made to reinforce the EPA’s status as independent from government decision-making. The EPA has some substantial powers, but it is critical to improve on those powers and to give the community confidence that the EPA can hold to account organisations and governments on the way in which we protect our environment and protect Victorians. It was well and truly beyond doubt that there was a need for

change so that, as I said, the EPA can meet its community expectations and obligations.

We have also seen some changes to the governing board arrangements, which the member for Shepparton touched on and which are critical. That is certainly no reflection on the great leadership we have seen for a long time now from Cheryl Batagol and in more recent times from the chief executive, Nial Finegan, who I had reason to deal with in his former role at VicRoads. But certainly from my experience as shadow Parliamentary Secretary for the Environment and as Parliamentary Secretary for Energy, Environment and Climate Change, the role Cheryl Batagol has played in that regulatory engagement and in relationships with, as has been touched on by other speakers, those who manage and deal with waste in our community, who are responsible for our landfills and who are responsible for recycling, has been really important. These are massive organisations and companies, and in some instances are international organisations. There has been great leadership from Cheryl Batagol and her executive team in that work.

What we are trying to do with this bill is make sure that we give the organisation the powers that it needs so that the community has confidence that it can act in its best interests. We also want to ensure there is a clear direction so that businesses can understand how they will need to engage with the EPA and what their obligations will be in a regulatory sense. The dialogue that we have, through people like Cheryl and the EPA, with businesses and organisations that are involved in providing a lot of the waste management in Victoria is critical.

With some of the more recent incidents that we have seen in places like Coolaroo, the stockpile of tyres in Stawell and other challenges that we are facing in communities, the expectation is, as we have also seen with mine fires in Gippsland, that questions come afterwards from the community. These are not only about how these things came to pass in the more immediate sense, but what have been the regulatory obligations and how have they been enforced. That is clearly a role that the EPA seeks to undertake, but we are also seeking to reinforce that role and to give the EPA greater clarity and understanding of that role here.

The governance arrangements around the board also provide a much better opportunity for that accountability in the organisation. The chief environmental scientist also will be critical in the EPA's role. Its engagement with the chief health officer, through the Department of Health and Human Services, is also critical in dealing with many of these issues.

Can I say just in concluding my remarks — I know there are other speakers and we have limited time for this debate — that I was at a ResourceSmart event this week at one of the schools in my electorate. The community and young people are very engaged in the environment. There is a greater desire for the community to understand the obligations and the role of regulators. It is up to the government to give force and give voice to the expectations of the community. As legislators we need to arm our authorities and organisations with the capacity to hold us all to account in improving and advancing the interests of the environment and in protecting Victorian citizens. That is the critical role of the EPA, and this bill goes a long way to bringing it into the 21st century and ensuring the environment remains a priority for our regulators. All Victorians and certainly the Andrews government have put this matter to the forefront. It is about improving the environment for all Victorians.

Ms EDWARDS (Bendigo West) — I am pleased to make a contribution to the Environment Protection Bill 2017. I note that the member for Ivanhoe mentioned ResourceSmart schools. I would just like to remind the house that a primary school in my electorate — Winters Flat Primary School — was the winner of the ResourceSmart School Award just a little while ago.

The member for Ivanhoe also reminded the house that Victoria is one of the world's leading parliaments and governments when it comes to establishing a comprehensive legislative framework for protecting our environment. We are a world leader, and we have been so since the introduction of Victoria's first Environment Protection Act way back in 1970. Since 1971 the Environment Protection Authority Victoria (EPA) has of course played a leading and very significant role in protecting Victoria's environment, working with our businesses, with our local governments and of course with the community to reduce pollution and to manage waste.

I was first elected to this house back in 2010, and during those four years in opposition I had a number of constituent issues that involved the EPA, including a very serious matter at Liddell's Sands in Long Gully. There were some issues around odour with chicken factories and of course some noise issues as well as with some industries. I have to say that during that time there was a perception across my electorate and from those who contacted me that the EPA had become a toothless tiger. Of course our Labor government's commitment to strengthen the EPA and to make it a more representative organisation for the environment and for people's health was laid out in our platform back in 2014. I was very pleased that we had that in our platform because there

was a sense that the EPA had lost its ability to actually investigate and to thoroughly support communities where there were issues of pollution.

I am really pleased to stand here and say that the EPA — and I see the minister is in the house — officially opened its new regional office in Bendigo just a little while ago to cover Mildura, Horsham, Macedon Ranges, Northern Grampians and Campaspe. This is a rebuilding, if you like, of the EPA in our region. The new office is a multipurpose, open-plan building that houses an on-site lab, videoconferencing facilities, a large conference room which is ideal for community consultation, and hot desks for EPA staff based elsewhere in the state. It has the space and facilities to host events, but more importantly it is a presence in our community that had been lacking previous to this. We want to make sure that the EPA is well equipped to tackle the harmful impacts of pollution and waste right across Victoria, and we are very pleased the EPA has now established an office in Bendigo that will cover the north-west region.

I earlier mentioned the ALP platform from 2014 that led to the inquiry that many members have discussed in relation to the EPA, and this was in essence a response to the disaster that was the Hazelwood mine fire. The independent ministerial advisory committee consulted right across Victoria and came back with a whole range of recommendations. The report was welcomed by the minister back in January of this year, and in our budget this year we announced an unprecedented \$162.5 million over five years to reform the EPA. The bill before the house today is one of two bills that will completely overhaul the EPA and EPA legislation here in Victoria. That has not been done since the legislation was first brought to this house back in 1970, so it is well and truly overdue for some reinvigoration.

Today's bill is about a new statutory objective for the EPA, and that is around the protection of human health and the environment by reducing the harmful effects of pollution and waste. I think most Victorians have an expectation about what the EPA will do for them, so it is important that it is strengthened so that people can be confident that their health and the health of their environment, which is often at the front of people's minds when there is a disaster or an emergency, will be protected or even that when there is an issue close to home that creates noise pollution or odour pollution the EPA will be able to manage that. We never want to have another situation like the Hazelwood fire in Victoria — ever — but we do know that with the change in climate and the changing role of recyclables, as the member for Shepparton mentioned, there is potential for further emergencies to occur. We want to

make sure that the EPA has the strength and the powers to address those issues.

As the member for Ivanhoe mentioned, the position of chief environmental scientist is created as a statutory position under this bill. Dr Andrea Hinwood, who has already been appointed to this role, has an enormous depth of knowledge and a great sense of ethics when it comes to the EPA and its role. This changing role, I think, is being felt right across the EPA already. Dr Hinwood's position is very important because it supports the EPA's important role as a science-based regulator. I think it is important to emphasise that, because we know that science-based evidence is what is needed to drive changes like this. Those who would reject science, particularly those who would reject science when it comes to climate change, need to rethink their views. This science-based regulator will ensure the government has access to high-level technical advice on environmental protection matters.

Some other members have already mentioned that a new board will be appointed for the EPA, which fits its status as a modern independent regulator. Currently there is a chair of the board and an interim board in place. Having an established board will give the EPA the opportunity to go forward and create some fantastic initiatives, I am sure, and this reform is absolutely necessary. The world has changed, and the EPA needs to change with it. Having just about reached the time for us to break for lunch, I commend the bill to the house.

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

Business interrupted under sessional orders.

MATTERS OF PUBLIC IMPORTANCE

Liberal Party

The SPEAKER — Order! I have accepted a statement from the member for Monbulk proposing the following matter of public importance for discussion:

That this house notes the crisis facing the Victorian Liberal Party who are financially, morally and policy bankrupt.

Mr Clark — On a point of order, Speaker, you have obviously accepted this matter of public importance, but I mention the fact that its wording is such that it creates very substantial potential for infringement of a number of standing orders, particularly standing orders relating to imputations and personal reflections, offensive and unbecoming words and objectionable words. I submit that you should caution all persons who are going to participate in the debate to be mindful of

their obligations in relation to those standing orders and to comply with them

The SPEAKER — The Chair will be listening very carefully to the debate on this item.

Mr MERLINO (Minister for Education) — Picture this: the Leader of the Opposition, working hard at his desk, is reminded by his personal secretary that he has a dinner that night.

‘That is right’, he says. ‘Who was that with again?’

‘Frank Lamattina’, his secretary responds.

‘Just Frank?’

‘No, Frank and Geoff Ablett, and Barrie Macmillan will be there, and some bloke called Cousin Tony’, she replies.

‘Right. And where am I meeting Frank and Geoff and Barrie and Cousin Tony?’

‘Well, just at a private and secluded table at the back of a restaurant, hidden in a quiet street in Beaumaris’, she answers.

‘Yep, sure, that sounds legit. And what was it that Cousin Tony wanted to talk to me about?’ the Leader of the Opposition asks.

‘Oh, you know, fruit and vegetables’.

It sounds ridiculous because it is. But that is exactly the story the Leader of Opposition is spinning and that is the story that he expects all of us to swallow — just like he swallowed, or was it sipped, a \$1500 bottle of Grange! But, as the Leader of the Opposition should know, the truth always catches up to you. Because yesterday morning, according to the Leader of the Opposition, this was a big, open, public dinner, with at least 20 people in attendance. By about lunchtime that number had changed: maybe there were around a dozen people there instead. By 2:30 p.m. yesterday the Leader of the Opposition finally confirmed that it was a small, intimate gathering of seven. Well, I am glad that he finally saw fit to tell the truth on that point. But I ask: if you cannot be honest about how many people were even there that night, what else are you hiding?

In fact there are a lot of questions the Leader of the Opposition needs to answer. How is it that this is the second time he has accidentally kept company with this man? And when he finally had that lightbulb moment and realised who Cousin Tony really was, why he did not excuse himself immediately and leave; why did he decide to stick around for a couple of hours? When you

associate with a man like this it seriously calls into question your judgement, your ethics, your character, your integrity. Let us not forget: this is the man who wants to be the next Premier of Victoria, and he is wining and dining with organised crime. This is a man about whom the Chief Commissioner of Police has said, and I quote:

He is someone —

Honourable members interjecting.

The SPEAKER — Order! We need to be able to hear the contribution being made.

Mr MERLINO — This is what the Chief Commissioner of Police said:

He is someone we have had concerns with for some time about connections with organised crime and we’ve made that known to the court.

As reported today:

In an affidavit filed in court in June to support Mr Madafferi’s ban from Crown Casino and all Victorian racetracks, Detective Superintendent Peter Brigham said the police hold ‘substantial intelligence’ indicating that Mr Madafferi had ‘substantial and close involvement with serious criminal conduct including drug importation, murder and extortion’.

This is a man whose brother Frank was granted a visa by the Howard government after much lobbying and then was subsequently arrested and later jailed for drug trafficking; a man who coincidentally has a longstanding relationship with senior members of the Liberal Party. You might even say that those opposite are part of the family. So with all we know about this particular dinner guest, his background and his connections, does the Leader of the Opposition seriously expect us to believe that all he wanted to talk about was fruit and vegetables?

But the plot thickens. Even Scorsese could not dream this up. As we saw from reports over the weekend, the Liberal Party is in deep financial trouble. In fact, because of the highly secret financial audit leaked to the media we know they have got about six months before they completely run out of cash. Just remember this is a party that prides itself on being a good economic manager. Within this context — mounting debt and a dried-up bank account — there was a meeting between a desperate Leader of the Opposition, known Liberal Party donors and accused career criminals. Excuse the pun, but this all seems a bit fishy. But ‘fishy’ seems to be a defining word for the Leader of the Opposition — well, the current Leader of the Opposition — because let us not forget his legacy —

Honourable members interjecting.

The SPEAKER — Order! I am assuming that members will want to stay for the remainder of this debate, so I am hoping that members are not removed from the chamber and will cease shouting across the chamber.

Mr MERLINO — Let us not forget his legacy as the Minister for Planning. He certainly did not let democracy and due process stand in the way. Take Fishermans Bend. He sold out a whole suburb just to profit Liberal Party donors. And Ventnor —

Mr Clark — On a point of order, Speaker, I draw your attention to standing order 118, which provides that imputations of improper motives and personal reflections on various individuals, including members of the Assembly, are disorderly other than by substantive motion. The Deputy Premier has made accusations of dishonesty against the Leader of the Opposition in breach of that standing order, and I ask you to instruct him to comply with the standing orders.

The SPEAKER — Because of the shouting I did not hear, but if those comments were made, I ask the Deputy Premier not to go down that path.

Mr MERLINO — The Leader of the Opposition did the wrong thing. He got caught, and he blamed his staff. That is what he did then, and that is exactly what he is doing now. The excuses just keep coming from the Leader of the Opposition: it was not his fault; he did not know; he never heard. There is zero responsibility and zero leadership.

Yesterday the Leader of the Opposition even claimed that he could not have possibly known it was the Tony Madafferri. He could not know because his full name, Antonio Madafferri, was used instead. A quick google finds this:

Antonio Madafferri suspected of putting hit on Melbourne lawyer ...

It would have clarified that. His story just does not stack up, which brings me to the Leader of the Opposition's so-called tough-on-crime agenda. Let us just say this: it is pretty hard to be tough on crime when drug dealers are picking up your dinner tab.

We are not the only ones who would take issue with what the Leader of the Opposition has done. There is Neil Mitchell, who describes it as 'a very bad look'. There is Tom Elliott, whose former producer is now a senior adviser to the Leader of the Opposition. He said the Leader of the Opposition has 'done his election

chances an enormous amount of damage'. The *Geelong Advertiser* said:

... it reflects on his judgement and affirms a ... reckless streak ... that until now has only really been quietly noticed in Parliament.

Well, everyone knows about it today. Even Michael Kroger, when asked whether the Leader of the Opposition should have stayed at the dinner, said he thought the answer was clear. With friends like Michael Kroger — and just when you thought it could not get any worse there is this from Barrie Macmillan:

It was all kept very private, but I'm not saying Matthew [Guy] didn't know. Matthew knew exactly who was coming to that thing.

Exactly. What have we seen from his colleagues? The Leader of The Nationals, who is not here at the moment —

Honourable members interjecting.

Mr MERLINO — There he is. He may not be at this front table for very long. The Leader of The Nationals said he stands by his leader. Well, if you stand by the Leader of the Opposition, you stand by the Mafia and you stand by organised crime.

There is an obvious reason why the member for Euroa has got a smile on her face and the member for Malvern is sitting where he is.

There is a really serious point here. So cunning and deceitful is the Leader of the Opposition that he has promised, hand on heart, that there were no donations to the Liberal Party. It is the ultimate act of treachery. The Leader of the Opposition knows, and thanks to Barrie Macmillan so do we now, that those promised donations were to be deliberately camouflaged and concealed. That swag of money that the Leader of the Opposition was so desperate to get his hands on would be split up to keep it under the legal disclosure threshold. It is no coincidence that Michael Kroger keeps saying these mobsters made no 'disclosable' donations. He is very careful with his words. If the Leader of the Opposition was really serious about clearing his name, he would ask the Victorian Liberal Party to release its list of donations to show no tainted money was received from his Mafia mates.

There is a very serious point here, and I do not want it to get lost in the theatre of Parliament. The Leader of the Opposition has made a number of claims, and every one of them has been shown to be nothing more than a lie. Again and again, the man who wants to —

Mr Clark — On a point of order, Speaker, I again draw your attention to standing order 118, which prohibits imputations and reflections on members of this house. The Deputy Premier has transgressed that standing order, and I ask you to bring him back to compliance.

The SPEAKER — Order! I remind the Deputy Premier not to infringe the standing orders.

Mr MERLINO — Again and again, the man who wants to lead Victorians has misled Victorians. So for the benefit of the Parliament's record, let us review the Leader of the Opposition's top five mistruths. He said this was a dinner with a lot of people. He misled. He said it was not a secret. That is not the truth. He said he did not drink. Well, he did. He said he did not know Tony Madafferi would be there. Again, he misled the public. So when he stares down the barrel of a camera — clammy and nervous, as he was at yesterday's press conference — and tells us that the issue of donations never came up, we know what his words are worth. As I said, the Leader of the Opposition has got a lot of questions to answer. Here is just one more: when will you finally come clean and tell the truth?

Those opposite think this is a bit of fun — organised crime, murder, extortion, drug trafficking. You talk about the carjackings and the home invasions. Organised crime is behind that, and that is who is behind the Liberal Party under the leadership of the member for Bulleen.

Mr M. O'BRIEN (Malvern) — Having heard that performance from the Deputy Premier, I need to quote one of my favourite lines from the gangster movie *Reservoir Dogs* — 'You gonna bark all day, little doggie, or are you gonna bite?' — because that was a chihuahua-esque performance if ever I have heard one. What a pathetic waste of this Parliament's time. It is a shame I have got only 15 minutes, because when you type 'vic labor scandal' into Google you get 412 000 hits. We have got only 15 minutes to go through them.

We will not be lectured to about policy bankruptcy, moral bankruptcy or financial bankruptcy by members of a party who embody it themselves. Where do we start? The red shirts. Let us start with the stealing of an election with the red shirt rort, organised —

Ms Allan — On a point of order, Speaker, I can appreciate why the member for Malvern, in his audition to the Parliament today, does not want to address the subject matter, but unfortunately the standing orders do

require him to address the substance of the matter of public importance as circulated by the member for Monbulk. I ask you to bring him back to addressing the matter before the house.

Ms Neville interjected.

Mr M. O'BRIEN — On the point of order, first of all, Speaker, as you know, MPI debates are wideranging. Secondly, it would be ridiculous to suggest that a matter submitted such as this does not invite contrasts with the moral, financial and political bankruptcy of those putting forward this motion, and it would be outrageous to suggest otherwise.

Honourable members interjecting.

The SPEAKER — Order! I warn the Minister for Police, the member for Kew and the member for South Barwon. I will not tolerate interjections across the table during consideration of a point of order or people leaping to their feet, shouting and pointing at people on the other side of the chamber.

I do not uphold the point of order. I think it is reasonable in this debate for contrasts to be made, but I do ask the member for Malvern to come back to the subject matter of the matter of public importance.

Mr M. O'BRIEN — Speaker, I accept your ruling, and I am grateful for the opportunity to contrast the moral bankruptcy of those putting forward this motion. We were getting onto the red shirt rorts, a systematic attempt to defraud the public purse to confer electoral advantage — an absolutely systematic attempt orchestrated at the highest levels of the Labor Party, orchestrated by former Treasurer John Lenders, who has now been rewarded with a chairmanship of VicTrack for his role in putting together this outrageous attempt to steal from the public purse.

Honourable members interjecting.

The SPEAKER — Order! I ask members, despite the heat in this debate, to come to order, otherwise members will be asked to leave the chamber. The member for Malvern to continue.

Mr M. O'BRIEN — Tens if not hundreds of thousands of dollars of public money were taken by Labor, stolen by Labor, to confer electoral advantage on them. Then, if that was not bad enough, Labor has now gone and used public funds to try and stop the Ombudsman from doing her job to actually investigate this outrageous abuse of the public purse. It is not for them to even appeal to the Supreme Court or the Court of Appeal; they have gone all the way to the High Court

using public money to try and shut down this investigation into Labor rorts.

Let us look at the famous dictaphone. Farrah Tomazin, a journalist for the *Age*, goes to an ALP state conference and leaves her dictaphone behind. Any decent person, any decent party, would return it. It had her name on it. Everyone knew whose it was. Did that happen at the Labor Party conference? It did not. What happened was that Labor Party members took it, they listened to it, they downloaded private conversations, they disseminated them for their own personal and political benefit and then they destroyed the dictaphone. They stole property, they used the property and they destroyed the property. This is the modern Labor Party that comes into this place and seeks to lecture us.

We heard interjections from the Minister for Police before, asking: 'Do you think it's okay to consort with criminals?'. I would like to draw to the house's attention to a letter dated 31 August 2000 on the letterhead of 'Kelvin Thomson, MP, Labor member for Wills, shadow Assistant Treasurer' — and, I should note, a former member of this place, a former member for Pascoe Vale. The letter states:

To whom it may concern,

I have been asked to provide a reference on behalf of Mr Tony Mokbel of 25 Grandview Avenue, Pascoe Vale South, who will be submitting his application for a liquor licence to the Liquor Licensing Commission.

I understand that Mr Mokbel has been married for the past eight years and has two children. I further understand that over the past eight years he has been a responsible, caring husband and father.

Mr Mokbel has in partnership —

you wonder who the partners were —

purchased a number of business properties in the Brunswick area. As a result of his business and property ventures Mr Mokbel is making a significant contribution to the community and employing a substantial number of people.

Well, they are probably drug dealers, because Mokbel was a drug dealer. I will go on:

I urge you to take into account Mr Mokbel's last years of unblemished conduct —

So he knew — he knew about this bloke's criminal record. He knew all about 'his commitment to family' — that was not family with a capital 'F', but it may as well have been —

and his successful establishment as a local businessman in making your decision concerning his application.

Yours sincerely,
Kelvin Thomson, MP
Member for Wills

Here we have a member of the Labor Party, a former member of both state and federal Parliaments, giving a written reference to one of the worst criminals, drug dealers, gangsters and murderers this state has ever seen — someone who is doing porridge as we speak. The Labor Party thought it was not good enough for him to be a mate and an associate, so they wrote the man a bloody reference. This is the sort of thing we get from members opposite.

Let us look at the member for Tarnait and the member for Melton. Talk about getting your hand caught in the cookie jar. Here are two people who occupied very senior positions in this Parliament — the position of Speaker and the position of Deputy Speaker — who rorted the second residence allowance and resigned in disgrace having rorted the allowance and having lied. They lied. Then on top of that the Premier says the member for Melton does not have to repay all the money. He is just going to let him off with about \$80 000 worth of rorts simply to keep him in the Parliament, because we know this Premier is too scared of a by-election. He does not want to see a by-election in Melton because he knows if there is a by-election and Labor loses it, his leadership will not last a week. There is only one leader in this house whose leadership is under pressure, and it is the empty chair right there. That is the leader.

We talk about other members and former members of this house. Here is an ABC news story from 16 May 2009. The headline reads: 'Calls for Madden to resign over Brimbank scandal'. The article states:

Victorian Planning minister Justin Madden has rejected calls for him to resign over the latest fallout from the Brimbank council scandal.

The opposition says it wants Mr Madden to explain why he gave a reference to a former electorate officer, who has a criminal history, to support the man's application to become a justice of the peace.

It is not bad enough for Labor to give references to convicted drug traffickers; it also says convicted criminals should be justices of the peace — absolutely outrageous.

Where else do we want to go to? We could look at Patch and Ted, and Steve Herbert's ferrying service. We could go back to Peter Batchelor and the 1985 Nunawading by-election how-to-vote scandal. We could look at the Minister for Sport and him taking free tickets to see cage fighting before he does a backflip on policy and says he now supports cage fighting. We

could tell him to get on his bike, but we do not know if it is his bike or Cadel Evans's bike because he seems to not be sure which one is his and which one is Cadel's. We could go back to Labor police ministers who seemed to get access to police databases in order to smear the now Leader of the Opposition when he was running as a candidate in Yan Yean.

Let us look at Peter Marshall and the United Firefighters Union. We all know that this is the real power in the Labor government, because whatever Peter Marshall wants Peter Marshall gets. The Premier is too scared to say no to him. The Deputy Premier is too scared to say no to him. When the then Minister for Emergency Services, Jane Garrett, dared to say no to him she was threatened that she would get an axe put in her head — and who did the Premier back? He backed Marshall, not his own minister. What sort of upstanding citizen is Peter Marshall, who is so warmly embraced in the bosom of the Labor government?

Here is an article from the *Herald Sun* on 20 July 2014. The headline reads: 'Mick Gatto throws hat in the ring for United Firefighters Union secretary Peter Marshall'. Mick Gatto! The article states that:

Underworld figure Mick Gatto has endorsed firefighters union boss Peter Marshall as a man who 'should be running the country'.

An honourable member — He is on his way.

Mr M. O'BRIEN — He is on his way. He is running the Labor Party; he may as well be running the state. He is on his way to running the country. Here is a man who is publicly embraced by Mick Gatto, and yet the Labor government in this state continues to absolutely do what he says and whatever he wants. It does not matter if he threatens violence to a female minister; the Premier and Labor will stand behind Peter Marshall rather than actually standing behind common decency.

Let us look at John Setka and Shaun Reardan, the secretary and assistant secretary of the CFMEU. I will be careful in my words because both men are currently before the Supreme Court facing serious criminal charges of blackmail. I am very well aware of the sub judice laws and I will not contravene them, but we can talk about the past record of these men. Both of them have criminal records as long as your arm, including bashing police. Anybody who thinks that police bashers have got a place in their political party has got no right to lecture anyone about moral or ethical standards. They do not just take his instructions in the Labor Party; they take his money. We have seen over \$9 million in recent years donated from the CFMEU to the Labor Party. The members opposite are absolutely

in the pay — their party is in the pay — of the CFMEU. They take their money, they take their votes and we know they take their orders.

What was the first thing the member for Mulgrave did when he became Premier? He decided to scrap the code of conduct for building sites. That was absolute payback to the CFMEU for their muscle on polling booths and for their financial muscle in donations. The second thing he did was he scrapped the police public order powers to move on — the powers that were there to make sure that decent people who want to walk the streets of this state, decent people who want to go about their business, should be allowed to do so without having illegal activity stopping them from doing so. That was the second thing this government scrapped. It shows you that when it comes to police powers and public order, Labor will back the lawlessness of rogue unions ahead of the rights of the public every single time.

We have got a Labor Party which is beholden to the CFMEU. Even when John Setka recently stood up at a public rally and threatened the families of inspectors of the Australian Building and Construction Commission he did not just threaten the inspectors, which would have been appalling enough, but he threatened their families. You would have thought that any decent person in public life would know that families and children should be out of bounds — absolutely out of bounds. This government is happy to embrace someone who has got no sense of decency, no sense of moral code, no sense that families need to be kept out of political debates like that.

Talk about bringing families into it! Remember the Brumby government dirt unit? Remember the books that were left behind when they lost office? Remember the investigations into the kids of Ted Baillieu? These are the sorts of moral hypocrites who dare to come in here and try and lecture us. They are people who give references to Tony Mokbel, people who give references to convicted criminals to become justices of the peace, people who accept money and votes from union leaders with criminal records, including for bashing police. They are the sorts of people who have rorted public money for their own political ends. There is absolutely no case — no case at all — for this motion that has been put forward by Labor. There is only one party in this place that is politically bankrupt, morally bankrupt, ethically bankrupt and financially bankrupt, and that is the government of this state.

Mr DONNELLAN (Minister for Roads and Road Safety) — What an absolute load of drivel we just heard from the shadow Treasurer. What an absolute load of drivel. This is a very, very simple story. This is the story of an individual who is sitting in a building as

it is burning, the alarms are going off and he is just not moving. We have had so many articles, so much information in relation to the importance of not raising funds from dodgy characters. You do not even have to look very far. This has gone on for years. ‘Liberals in cash-for-visa allegations’; that is one.

Mr R. Smith — On a point of order, Speaker, given it is the government’s MPI, would it assist the minister if we called a quorum?

The SPEAKER — Order! There is a quorum present. The minister to continue.

Mr DONNELLAN — They will give you money for your comedy in the future, you goose. Seriously, what a brain surgeon you turned out to be.

So let us have a look. We have got ‘Liberals for cash-for-visa’ comments; ‘Court arrests to lead to murder plot charges’. We have got ‘Victorian Liberal Party denies involvement in fundraiser linked to alleged Melbourne Mafia boss’; ‘Liberal fears on secret donor business’; ‘Libs take money off Mafia man’; ‘Crim home free in \$1 million backflip’; ‘Senior Liberal challenged Vanstone on visa’; ‘Visa ruling came after donation’. I mean, how many warnings would you need as an opposition leader to suggest these are not the people you actually raise money from. Obviously it is not a warning that the opposition leader has heard.

You have only got to look at: ‘Police quiz Vanstone over Madafferi visa’; ‘Lib’s link to market Mafia man’; ‘Police to question MPs over cash-for-visa allegations’; ‘Vanstone helped suspected Mafia figure’.

This is like the Magna Carta; this just goes on and on and on and on. It is a long story, and somehow or other we have got the opposition leader telling us that he unwittingly — unwittingly, after all this! — suddenly turns up to a meal and did not know that he should not be there. He did not know; he knew nothing about it, somehow or other. I do not know which party he has been involved with, but it might not be the Liberal Party after all, because this writing is very clear.

Honourable members interjecting.

Mr DONNELLAN — You could even ask some of your own what they think.

So let us have a look. What are the warnings we got off Jason Wood, the federal member for La Trobe? What did he say? Let us have a very clear look. On 24 February 2009, as reported in the *Age*, he said:

‘Knowing them and my dealings with them (the Madafferi family), I would certainly not take money from them,’
La Trobe MP Jason Wood said.

‘Should he have been thrown out of the country?’

That is referring to Francesco Madafferi —

The answer is “yes”.

‘If all the information I was aware of was known, under no circumstances, no matter how much help he had from politicians, should he have been allowed to remain in the country. He should not have been given a visa’.

That is a pretty clear assessment of those people you should raise funds from and those you should not. It really is a question about the judgement of the opposition leader that you would continue to put your snout into that trough and continue to seek funding from such persons — totally inappropriate.

Let me look at former federal member Bruce Billson and what his comments were. For some years he did have an association, but he said in retrospect, after many years:

In 2015, then senior Liberal minister Bruce Billson claimed he’d been ‘deceived’ into assisting with the visa request. He described the lobbying campaign — which involved claims that Francesco was too mentally unwell to be deported — as a ‘contrived veneer covering a far darker and disturbing situation’.

That is pretty condemning. You would have thought that the opposition leader, after being caught down at the Docklands the first time, might have been a little more cautious, but he just keeps going.

And let me be very fair. It is not just restricted to the opposition leader. This seems to be amnesia or an inability to investigate things on behalf of the secretariat of the Liberal Party as well. Let us look at some of the comments the former Leader of the Liberal Party, Denis Napthine, said. This was in relation to the Docklands fundraiser — down at the Docklands, a property half-owned by Antonio Madafferi. What did the then Premier say at the time? A headline said ‘Vic premier in dark over Lib Mafia claim’, so he does not really know what is going on, but I want to provide him with a little bit of assistance in relation to that because I have got the campaign minutes of the campaign committee that was undertaking this fundraiser. These are the campaign minutes from 4 March 2013. This is two years before this issue arose, so these campaign minutes have gone in to party head office. I just want to reflect on who was actually in that campaign committee. Let us be very clear: two of the attendees were Kate Bruce-Rosser and Russell Hannan.

Obviously Russell Hannan is the current president of the Liberal Party. Amazing!

Honourable members interjecting.

Mr DONNELLAN — So what is he? He is a small-time player? He is not involved in anything in the Liberal Party?

Honourable members interjecting.

Mr DONNELLAN — Ah! Lovely, lovely! Okay.

Honourable members interjecting.

Mr DONNELLAN — Oh no, no. Let me correct. He is actually the Liberal treasurer; okay? Let us be very blunt. Whether he is the president or the treasurer, he should know. No-one seems to know what went on. But let me be very clear: there were about another 15 or 20 attendees here in March 2013, but somehow or other they were not able to provide any information up the pyramid lines of the Liberal Party of where they were getting their funds from. What they say is:

The function held at Docklands on Friday, 1 March, with the Honourable Matthew Guy, Minister for Planning, was very successful.

But then if we look at a later report in relation to this, we see in the *Australian*:

The event was not lodged with the Australian Electoral Commission, however, Liberal sources informed the news outlet that individual donations were under the \$12 100 disclosure threshold.

In other words, the dishonesty in terms of the responses we get from the secretariat of the Liberal Party very much reflects the dishonesty of what we get from the leaders of the Liberal Party on an ongoing basis. It appears that —

Mr Clark — On a point of order, Speaker, I again draw your attention to standing order 118 about imputations of improper motives and personal reflections on members. The minister has been accusing the Liberal leader of dishonesty in breach of that standing order, and I ask you to instruct him to comply with standing orders.

The SPEAKER — Order! I uphold the point of order. The minister has avoided infringing the standing orders until that last moment, and I ask him not to do so again.

Mr DONNELLAN — Well, let us be very clear. There is an inability on the part of the Liberal Party to do a little bit of research. There seems to be no capacity

for them to work out where they are getting their funds from. It is just, ‘Oh, look, we’ll go along. If it is the Lobster Cave, who cares? We’ll just turn up at the Lobster Cave and have a bit of Penfolds Grange, and we’ll have a bit of lobster. They’re not looking for anything. They just want to entertain me. They just reckon I’m a good bloke. So I go down there for a good blokes lunch and they tell me, “You’re a great bloke. We want to make you the future leader, and we don’t want anything in return. We don’t want to talk about maybe moving the market or getting a rezoning or anything like that”’. They just want to be good blokes, because he is such a good bloke, supposedly. He is such a good bloke that we have got multimillionaires who just go around wasting their money because they want to spend it on a good bloke.

What an absolute load of drivel. You know that if you are there, you are compromised. You are absolutely compromised. They have expectations; they want something out of this lunch — and that is very obvious. Otherwise you are down there seeking further funds. You are doing something. You are seeking money; you are seeking a reward. After you were warned and after you got caught at the Docklands and pretended you knew nothing about it, you then went down to the Lobster Cave and again you said it was everyone else’s fault. ‘It’s never my fault; it’s my staff’s fault; it was the Bruce campaign’s fault, and then we couldn’t work out what happened to the money’. Well, here are the campaign minutes. It makes it very clear that there was a whole lot more knowledge available to the Liberal Party when they answered these questions than they went looking for. That was just a dishonest, lazy, slovenly approach that was undertaken by both the Leader of the Opposition’s rooms and the Liberal Party. This has been a deliberate cover-up for an extensive period of time.

Mr WALSH (Murray Plains) — I rise to speak on the matter of public importance. When I think about the matter of public importance before the house today I think of the old saying that if you sleep with dogs, you catch fleas, and I must say that there are a lot of people on the other side of the house that are doing a hell of a lot of scratching lately. This motion would be true if you just took out the words ‘Liberal Party’ and put in the words ‘Labor Party’. It is so true when it comes to country Victoria, because when it comes to country Victoria the Labor Party is ‘financially, morally and policy bankrupt’. A lot of people in country Victoria say that you should add to that list ‘corrupt’, because Labor are morally corrupt when it comes to country Victoria and they are financially corrupt when it comes to country Victoria. They are just corrupt in general.

The first example of that would be the Country Fire Authority issue. What has Peter Marshall got on the Premier and the Deputy Premier of this state for them to trash the reputation of 60 000 volunteers, that they would throw 60 000 volunteers under the bus just to appease Peter Marshall? What has he got on those two for them to do what they are doing to the CFA here in Victoria? They are destroying the CFA. If you think about it, it is Peter Marshall's way or the highway when it comes to the CFA. The former Minister for Emergency Services, Jane Garrett, and Lucinda Nolan were both sent down the highway. The Premier and Peter Marshall obviously have an issue with dealing with strong women. It is no wonder that there is this cultural issue within the firefighting service, because if you do not do what Peter Marshall says, you are out, and that was particularly the case for those two women.

The chair of the CFA and the board of the CFA were sent out. They did not agree with the Premier and Peter Marshall. Joe Buffone and Peter Rau were told, 'Out! On your bikes, down the road, because Peter Marshall said that you should get out'. Those are the issues that make this government morally corrupt when it comes to country Victoria and to the protection those volunteers give country Victoria in the event of a fire or anything else that happens. It is absolute treachery and duplicitous action that is happening to the CFA, and this state will be the poorer because of those particularly issues.

Talking about who associates with who, it is interesting to go back and get a copy of the *Australian* of 29 August 2002, which states:

The extraordinary police record of John Setka, one of the nation's most powerful unionists, finally has been laid bare, with 60 charges leading to dozens of convictions and fines including for theft, assault by kicking, criminal damage and assaulting police.

This is one of the people that the Premier associates with regularly and one of the unions that makes substantial donations to the Labor Party every year, year in and year out. Those on the other side should not cry crocodile tears when they are guilty, guilty, guilty of associating with these people. The article continues:

The *Australian* can reveal that Mr Setka, 48 next month — back when this article was written —

was charged 60 times with serious offences between 1982 and 1991 in a violent battle with the law during unprecedented turmoil in the construction industry.

It goes on to say:

... Mr Setka was found guilty multiple times for indecent language, assault by kicking, assaulting police and wilful trespass.

But what makes it even worse — or better — is that when he was interviewed for this article he was sitting with Melbourne identity Mick Gatto at a wine bar opposite Parliament House. He must have been up there for a meeting with the now Premier. Mr Setka said he was:

... under legal instruction not to talk to the *Australian* but added that many of the offences were committed in the name of protecting workers.

It is obviously all right to break the law if you are protecting workers, but the rest of the state has to go by the law. When it comes to the matter that is before the house, it is the Labor Party that is morally corrupt on these particular issues.

An honourable member interjected.

Mr WALSH — And morally bankrupt, to echo the interjection. Think about what this government has and has not done for country Victoria. I am glad the Minister for Water is at the table, because we can look at some of the water issues in northern Victoria and what is going on there effectively destroying Goulburn-Murray Water and making it impossible for the irrigators of northern Victoria to function. If you think about what is happening with that particular project, you see that the minister has made a great fanfare of the resetting of the Connections Project. That reset is going to cost irrigators a lot of money in the future. It may be on time and on budget for that specific part of the project, but it will cost irrigators more money in the long run.

Ms Neville interjected.

Mr WALSH — The minister, for the record, is betting that it will not. I will take up that bet that in five years time, after this is finished, Goulburn-Murray Water and particularly the irrigators will be worse off because of this particular project. They are going to have to pay more for their water.

Ms Neville — Ask the irrigators.

Mr WALSH — The minister interjects, 'Ask the irrigators'. In my office I have a long list of people to ask as a result of constantly working with Goulburn-Murray Water to get their legacy issues fixed. The minister recently made a trip to northern Victorian and visited two or three of those people, and that is all. Because of the reset there is a long list of people whose issues are not getting resolved.

If you think about the water policy issues where the government is destroying northern Victoria, it is now proven that carryover rules are disadvantaging irrigators and actually causing more spill events. Irrigators are getting less allocations now than they did before because of the carryover rules — a matter that the minister will not address. These rules were put in place by the previous Labor government. They were partly fixed, and they need more fixing, but the minister will not do anything about that.

If you look at the issues around the fixed charges that irrigators have to pay to get access to the channel, there is no review of that. People are effectively going broke because of the fixed charges of Goulburn-Murray Water as they are having to pay for the high cost of the Connections Project, which will be a huge project in the future. The minister is just continuing the work that John Thwaites and Tim Holding — we remember those two ministers — began. They started out with an agenda to effectively destroy irrigation because they have a philosophical dislike of farmers and irrigation. They set out a process that was gradually going to undermine the viability of the water industry in northern Victoria, and the current minister is continuing the work that John Thwaites and Tim Holding started at that time. If you think about people in country Victoria, they are far worse off under this government than they have been for a long time.

Ms Neville interjected.

Mr WALSH — I am happy to do a survey.

The last one I would like to finish off on is energy costs. In talking about policy settings, the policy settings of this government have led to the closure of Hazelwood. Although the Premier said power prices were only going to go up by 4 per cent with the closure of Hazelwood, power prices are going up 200 and 300 per cent because of the policy settings of this government. I am working with a group of food processors in northern Victoria who represent 10 000 jobs and \$3.2 billion in turnover, and what they are saying to me is that with the power prices, including gas prices, going up, they are not going to be in business for very long. That whole argument can be replicated around other parts of Victoria. If you talk about being policy bankrupt, this government is actually bankrupting businesses because of its policy. There is a real risk that we are going to lose a substantial number of jobs in regional and urban Victoria because of the energy settings of this government.

The last thing is law and order. Law and order is not just a city issue. The fact is that people no longer feel safe in country communities. One of the things you

could pride yourself on in a country community was that you could pull up in the street and go into a shop without having to lock your car and you could go out without having to lock your house. That is not the case anymore; you have to lock your car as soon as you leave it and you have to lock your house because houses are being burgled and broken into all the time. This government is absolutely financially, morally and policy bankrupt when it comes to country Victoria. As I said at the start, I will add to that that they are also financially, morally and policy corrupt when it comes to country Victoria.

Mr PALLAS (Treasurer) — I rise to discuss the crisis that is enveloping the Victorian Liberal Party. In moral, political and financial terms the people who now fill the opposition benches are nothing short of feckless pygmies who are morally compromised. This crisis confronts them on a number of fronts. Firstly, they are financially incompetent, and they have now beggared themselves after failing to beggar the state of Victoria in four moribund years. Secondly, they are morally bankrupt and only too willing to meet organised crime figures and lie to Victorians in their desperate fundraising efforts. Finally, they are running short on any substantive policy ideas to the point that they are now discussing their ideas for horticultural policy with the Calabrian Mafia!

In reports in the *Herald Sun* online on 6 August it was detailed that the Victorian Liberal Party is experiencing severe financial difficulties. The great money managers themselves face severe financial problems. They are expected to run a cash deficit of \$1.8 million for the previous financial year. This year came just before the stream of revenue —

Mr Watt — On a point of order, Speaker, it is very clear that the Treasurer is reading from a document. I would ask for you to get him to table this document rather than go on with this diatribe.

The ACTING SPEAKER (Mr Pearson) — There is no point of order. The Treasurer to continue.

Mr PALLAS — This year the story demonstrates, just before a stream of revelations about the Leader of the Opposition —

Mr Watt interjected.

The ACTING SPEAKER (Mr Pearson) — Order! I have ruled on the matter. There is no point of order.

Mr Watt — How is there no point of order if he is reading from a document? You are supposed to ask him

if he is reading from a document. Clearly he is reading from a document.

The ACTING SPEAKER (Mr Pearson) — Is the Treasurer reading from a document?

Mr PALLAS — I am referring to my notes.

The ACTING SPEAKER (Mr Pearson) — The Treasurer is referring to his notes. There is no point of order. The Treasurer to continue.

Mr PALLAS — We know of course that the Leader of the Opposition has a great penchant for eating lobster and of course having lobster with mobsters. For a party that has constantly trumped their economic and financial management capabilities, they can barely keep their own house in order. We know, for example, that the National Australia Bank has knocked back the Victorian branch of the Liberal Party when they sought to increase the mortgage on their own building, and they now face the embarrassing prospect of selling their own building so they can keep the lights on. Those opposite are seemingly fixated on surpluses as a gold standard of financial management, but when it comes to their own organisation they are, from their own presentation to their administrative committee, months away from financial collapse if reports are to be believed.

Mrs Fyffe interjected.

Mr PALLAS — Well, I did not read it in the newspaper. I read it in the presentation. So when it comes to the Liberal Party and their own finances, you have seen more rigorous accounting by footy clubs. They are borrowing against their share portfolio while running up millions of dollars in debt in this financial year. They are, in short, an absolute shambles.

But this is not even the high point of the fiscal bungling. When they were in government we know that they saw unemployment skyrocket from 4.8 per cent to 6.7 per cent when they left office. Well over 60 000 more Victorians were left unemployed by the time the opposition had finished their reign of ineptitude. Gross state product (GSP) growth had languished below population growth for their last two years in government, dropping to a ridiculous low of 0.8 per cent. They saw debt nearly double in their four short years in government — four short years that seemed to last an eternity to those people in this state who depended upon competent government.

Under the Andrews Labor government more than a quarter of a million more Victorians are now gainfully employed. Business confidence and, might I say, business conditions have markedly improved under this

government. Our GSP growth and our state final demand are once again the envy of the nation. Our consumer sentiment is the highest in the nation, and our building approvals remain strong. These numbers really tell another story, and an important one at that. It is a story about a government that is focused on only one thing, and that thing is constantly striving to improve the lives of the Victorian people. From record spends in health and education to the biggest infrastructure investment that this state has seen and to the biggest investment in Victoria Police that this state has ever seen, we are a government that is not wasting a single day.

So do not let anyone tell you that those opposite are superior economic managers, because the facts do not lie. They bungled the state's finances and led a government that was as lazy as it was dodgy. They claim to be a party of government, but they cannot even come to an agreement with their own fundraising body and are instead resorting to litigation to release funds. Their time in government was marked by cruel cuts to education and health. Ambulance wait times blew out — we know that. They decimated the public service in pursuit of a puritanical free market ideology, and in the process they gutted Victoria's valuable resource — our people.

When presented with the opportunity to lay down a positive marker for Victoria's future, being Fishermans Bend, the Leader of the Opposition's eyes lit up with dollar signs. He could not help but take up the opportunity. His decision to rezone the largest urban renewal area in Australia in the blink of an eye was nothing more than an exercise in filling the pockets of his mates at the expense of ordinary Victorians. Then again, this type of decision-making was hardly surprising given the rezoning of land at Ventnor.

It should not really come as a surprise that for whatever reason he decided to take a meeting with a man who the ABC has described as the alleged head of Melbourne's Mafia. Tony Madafferi is a man who was known to the Victorian Liberal Party, and he should have been of acute interest to the Leader of the Opposition's office after the 2013 imbroglio involving another fundraiser thrown by the same people. As the Deputy Premier noted in his remarks today, Tony's brother, Frank, was granted a visa by the Howard government and was later arrested and jailed for drug trafficking. It is entirely possible that the opposition under the leadership of the member for Bulleen is more hostile to honest, hardworking Victorians than they are to known criminal figures who happen to be known Liberal Party donors.

Let us not forget that, as reported extensively by the media, the Leader of the Opposition has apparently

been warned before about his close association with members of the underworld. You would think that one warning would be sufficient to send a shiver up the spine of anyone, but I guess that only holds true if you actually have a spine and the principles to go with it. The simple truth is this: if you commit the same mistake more than once, it can no longer be considered a mistake. It is a conscious decision, and it is a pattern of behaviour.

The fundamental point here is that transcripts made a liar of the Leader of the Opposition on the very same day the story broke. On a number of details he sought to deceive the Victorian people and to minimise his liability for what he had done, but he committed the sin of being deeply disingenuous. Nobody believes that you meet with the Mafia to simply have an even-tempered discussion about horticultural policy or about the Melbourne fruit and vegetable markets.

Whether it is Fishermans Bend, whether it is Ventnor or whether it is his penchant for eating lobster and drinking Grange, finally we know that the Leader of the Opposition and his Liberal Party are happy to play fast and loose with organised crime figures when there might be some cash on the table for them. The Leader of the Opposition stands up in this house and screams about tackling crime, but when it comes to cash being involved he will meet with mobsters. In short, his convictions and his posturing are all disposable to him.

Mr PESUTTO (Hawthorn) — What a pathetic matter of public importance (MPI) this is, launched by Anthony Scaramucci over there. What an impassioned performance it was. How pathetic but how fitting it was that the fellow over the table there launched this MPI, considered as it is, because he was the one who in early 2014 kicked off the largest, most calculated and orchestrated rort of Victorian taxpayer dollars when he rocked up to a meeting of young, wide-eyed Labor staffers who were so keen to get out there and campaign for a Labor win. What did he do? In order to help cover up the biggest rort, which involved the misuse of taxpayer-funded parliamentary staff positions to campaign on a partisan basis, he handed out certificates. That is like the criminal who goes to burgle your house. He burgles it, and on his way out he leaves a ‘Sorry I missed you’ card. He wanted to hand out certificates, and hand them out he did. It is the biggest rort in our state’s history, and it is ongoing.

How many hundreds, possibly millions, of dollars have been wasted and misused by the Labor Party as part of that rort? Because what we now know is that not only were people wrongfully and in our view criminally paid for time they spent on the taxpayer dime campaigning

on a partisan basis for the Labor Party up to the last election but staff were paid off again. They were paid off with positions in the public sector, we are told. We are told that they were given cushy taxpayer-funded jobs in the Premier’s office, in ministers’ offices and in the public service — all on the taxpayer dime. Why? So they could keep silent. If that is not an indication of how morally and ethically bankrupt the Labor Party is under this Andrews Labor government, then I do not know what is.

The conduct of this government in relation to the members for Melton and Tarneit is there to behold. How many taxpayer dollars were squandered wrongfully in rorting taxpayer entitlements in places where they did not live. The PwC report and other audits have now confirmed this — that that money was wrongfully taken from Victorian taxpayers. What did the Premier do about it? Nothing. He has actually forgiven much of the debt. So we are not going to be lectured by a Premier or his deputy about ethical standards, moral standards or financial standards when they continue to rip off taxpayers with this.

We are not going to be lectured by a government that not only does dodgy deals with the United Firefighters Union but is party to one of the most sordid and worst kept secrets in this state to date. Even an *Age* editorial recently noted and in its words described the hold that Peter Marshall, the boss of this outfit — which does not deserve the registration it has under our Fair Work laws in this country — has over this Premier as a ‘clandestine’ matter. We have a situation in this state where everybody has heard the rumours. They circulate almost daily: this Premier is under the thumb of this union boss. We find it offensive, not just to us, that this government brings this MPI today because it is so hypocritical and embodies everything that is bankrupt about this state under this government. These games that the government is playing today will only upset Victorians even further because they want action on key things.

In the justice space, I can tell you they are bothered by a justice team made up of four ministers in the government who are part-timers. The Attorney-General spends more time on racing, it seems. He seems to enjoy racing more than he does justice matters. It is almost like, ‘Oh, justice — do I have to get back to that again?’. He seems to spend more time on racing and tweeting about brunch than he does on justice things.

As for the Minister for Police, she is also the Minister for Water and, well, maybe I do not need to go too far on that front because the water portfolio is going swimmingly. And that order from the desal plant —

beautiful work from the minister. But it is a problem when you have a very serious portfolio in police at a time when Victorians are more apprehensive than they have ever been, and you have a part-time minister.

Gayle Tierney in the other place — how is she going as the Minister for Corrections and Minister for Training and Skills? And today the member for Euroa releasing a statement about how the government is burying data on the appalling performance of some of our TAFE institutions in terms of training — another example of where Victorians are not getting the service they deserve. But data manipulation — I suspect that is not new from this government. In fact I think there is a master data manipulator who sits across there at question time. Did the Premier not himself master the art of manipulating health data prior to the 2010 election? He is no totem of virtue, either here or outside.

We are not going to be lectured by a government that has overseen 40 riots in youth justice centres and prisons since October 2015 — riots that have cost Victorian taxpayers tens of millions of dollars and perhaps, more importantly, led to staff being injured, intimidated and vilified on a regular basis, so much so that an increasing number of these staff do not want to turn up to work. Members of the public are being exposed to the dangers of these inmates, these thugs breaking out of these facilities and terrorising the Victorian public like they did in January.

We are not going to be lectured by a government that has overseen the most staggering increases in reoffending rates — people coming out of jail and reoffending more within two years than they did under the last government. They were 39 per cent in the last full year of the Napthine-Baillieu government. Reoffending rates were at nearly 44 per cent under this government. Rates of reoffending by people coming out of jail under this government are going up. But it is even worse: reoffending by people who are not going to jail but are on community-based orders is going up. There has been a 60 per cent increase — 60 per cent in the last four years. And what does this government have to say about it or to do about it? They bring this, an MPI which is a joke — an absolute joke.

We are not going to be lectured by a government that has overseen the worst crime statistics in this state's history — an 18 per cent increase in assaults in two years, a 36 per cent increase in robberies in two years and a 42 per cent increase in car thefts in two years. Compared with the rest of the country, according to the Australian Bureau of Statistics, Victoria is performing the worst and has the worst increases in the crime

categories of sexual assault, robberies, home invasions and motor car theft.

We will not be lectured by this government. Its action on bail was belated and insufficient. It waited over six months after the tragic Bourke Street event in January to bring in its first tranche of bail reforms. And how far do they go? Not very far. We are still waiting for the most important changes to bail to come before this house.

On sentencing it has done nothing. It has brought in the standard sentencing regime, which will do nothing to increase the types of sentences that will be handed down by courts for serious offences. Perhaps even more to the concern of the Victorian public it is going to hand more power to academics and judges to determine what those sentences will be. It abolished move-on laws, it abolished the construction code and it has done nothing to ensure that our parole system is working effectively.

The government says it is doing a lot to address the most apprehensive period for Victorians in terms of community safety. Well, I just want a note on the record before I finish that at the moment the government has three bills before this Parliament that will weaken our justice system. The first is youth control orders in the other place, which hopefully will be defeated this week and lead to further calls for Jenny Mikakos to stand down. The sentencing reforms I have already mentioned, and in terms of crimes impairment this government is proposing to make it easier for people to avoid culpability for serious crimes in this state at a time when Victorians want people to be held to account. We will not be lectured by a government that represents moral decay, an ethical vacuum and a complete absence of principle. We will not be lectured by them.

Ms NEVILLE (Minister for Police) — I find it extraordinary, having listened to a number of contributions from those on the opposite side, that we have had laughing and we have had constant downplaying of the seriousness and significance of the actions of the Leader of the Opposition. No-one is suggesting in any way — no-one at all — that perhaps, even a little bit, it might not have been the right thing to actually have a meal with a serious organised crime figure in this state.

In fact even the federal government, even the Prime Minister, is taking it seriously. He was asked just moments ago in question time in the federal Parliament whether the government had the federal police investigating whether criminal offences have been committed under commonwealth law. The Prime Minister — at least he is taking this seriously — said

that he assures honourable members that those reports will be carefully examined by federal authorities because Victoria Police, federal police and this government understand the significance and the harm that is caused by organised crime in this state. One of the key contributors to that is in fact the person that the Leader of the Opposition had dinner with not long ago this year and has tried to cover up ever since.

I have seen a number of people on that side stand up and defend the Leader of the Opposition. Either you are on the side of bringing crime down in this state and on the side of victims or you are on the side of organised crime, because you cannot be on both. You cannot be on both, because the biggest contributor to serious crime, harm and misery in this state is organised crime, whether it is money laundering, the distribution of illegal firearms and drugs in this state or in fact murders. They are being led by organised crime. We know that there is a significant link between organised crime and some of the youth offending and networking that we are seeing.

The nature and, I think, the thing to understand about organised crime is that it really does burrow into everyday life. That is how it works. It tries to normalise it by having a public face and actually putting in place go-between people and bagmen in order to facilitate discussions. Public officials are identified as part of that process. They are cultivated, and they are compromised. Sometimes these public officials catch on, but they are too entrenched and captured to do anything about it. I do not know if that sounds familiar from what we have heard this week. Sometimes those public officials lack judgement.

Mr Wakeling — On such an important matter, Acting Speaker, I would like to draw your attention to the state of the house.

Quorum formed.

Ms NEVILLE — As I was saying, sometimes these public officials lack the insight and judgement to understand how they are being cultivated by crime figures. Regardless of how complicit they are in their own compromising, the outcome of this cultivation is the same. It poisons the fundamentals of democracy. You cannot claim that you have done nothing wrong. You cannot claim that it is a small error. This is a significant error. It is a significant wrong that has been perpetrated in this case.

Organised crime is seeking to do exactly what it did in this case — to cultivate a public official in order to get credibility and in order to get credence in this state,

particularly someone who is subject to court proceedings by Victoria Police right now whereby they are trying to appeal a decision by Victoria Police to exclude them from the casino and from racing because of their behaviour and because of their links to organised crime. To in any way give credence or integrity or to question the actions of Victoria Police in this regard gives credence to this individual and to the potential for them to win the case. We have heard previously from other ministers today about other brothers of this particular individual, Tony Madafferi, who have had visas awarded by the Liberal Party. Again, getting to public officials and compromising them and giving themselves credibility is not in the interest of the state.

We have been spending quite significant resources on new laws and new police that are focussed specifically on organised crime. For example, we have funded the additional gang squad that targets not only youth networking but also organised crime, often very linked together. I understand why they are not coming to cultivate us — because we are not interested in that. We are interested in giving Victorian police what they need in order to tackle these serious criminal offenders — people who are peddling harm and peddling misery.

We heard today about a couple of terrible cases of home invasion. I can tell you without question that there are clear links that have been identified through the work of the anti-gang task force between some of what we are seeing in the youth networking space — the carjackings and the home invasions, which are all about stealing cars to do other criminal acts — and some of these organised crime figures, who lead and manage these crimes. You cannot say over here, ‘I care about victims’, when you are supporting people over there who are creating those victims and who are driving up the crime rate around drugs and firearms.

Yesterday we had a question from the Leader of the Opposition — or it might have been one of the other shadow ministers — in relation to the firearm that was provided to the person who was part of the Brighton siege. Well, let me ask you: where did that illegal firearm come from? It did not come from ISIS, I can tell you that. It came from people like this involved in organised crime. They are the ones who are peddling these illegal firearms. To say that it is separate from what we are seeing in this community in terms of harm and crime is —

An honourable member interjected.

Ms NEVILLE — It does deny reality, but it is more than that. It is dangerous. It is really dangerous, and it

undermines the fundamentals of democracy, of Victoria Police and of the work they and the federal police are doing. These are people who are involved in murdering people. They are involved in the distribution of drugs that are causing harm to our children in our community. They are involved in the distribution of illegal firearms that are getting into the hands of some terrorists in our community. These are serious offenders, and the chief commissioner yesterday again on radio reiterated his concerns about this particular individual. In any way to say that you have done nothing or to say or suggest it is only an error is delusional. Again, I think it shows the lack of credibility of the Leader of the Opposition and his ability to provide leadership in this state.

We do not have these organised crime figures coming to us. They are going to the Leader of the Opposition because they know they will get a voice. Will that compromise some of the investigations of Victoria Police? Maybe it will, and it is not worth it. You cannot undermine the great work of Victoria Police, the work they are doing each and every day knocking down doors and putting their lives at risk to tackle and disrupt organised crime in our state because they know that it is doing great harm.

What we have witnessed is a textbook case of exactly how organised crime works. Get those desperate politicians. Identify a weak one, a desperate one. Arrange for go-betweens to facilitate a discussion, create a pretext for discussion about legitimate business, say, fruit and vegetables as cover for their illegal activities — that is what the fruit and vegetables are; they are a cover for their illegal activities — then arrange for the political donations to fly below the radar. The crime figure compromises and corrupts the desperate politician by having them in his pocket, and that is what we have seen with the Leader of the Opposition. He has failed Victorians, he has failed Victoria Police.

Mr WAKELING (Ferntree Gully) — What an insipid matter of public importance (MPI). I could not even help the minister. I had to call a quorum to try to get her own colleagues to come into the house to listen to her contribution, but it took a good 2 minutes for people to drag themselves out of Strangers to come in and listen. As soon as the quorum was formed, where did they go? They went straight back to their coffees, straight back to their teas, instead of staying to listen to that contribution. What insipid contributions we have heard from those opposite on their own MPI.

I will not stand in this house and be lectured by those opposite around issues of financial, moral and policy corruption. Of those sitting opposite who sat in this

house in the former Parliament I would like to know whether they were guilty of funding the red shirts out of their office budgets. I am looking at the two ministers at the table, the Minister for Industry and Employment and the Minister for Police, and another one sitting in the chamber. Then there is the member for Broadmeadows and a couple of members sitting on the middle benches. They should stand up and tell Victorians if they did or did not misuse government money to fund the red shirts.

I am looking at the Attorney-General for a response him, looking for that nod that says, 'No, I didn't misuse taxpayers dollars'. Of course we are not getting a response from the minister. We are not getting a response from anyone on that side of the house which says they did not misuse money, because they know they were caught red-handed misusing taxpayers dollars to fund the red shirts. That is the reason those opposite have fought so hard to stop this investigation by going to the High Court of Australia. We know those opposite —

Ms Neville — Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

Mr WAKELING — What an absolute rabble! Those opposite called a quorum on their own MPI, and the Leader of the House is running around trying to get her own members into the house. Who is running this place? Who is running the Parliament? The minister at the table, the Minister for Police, thought she was smart by calling a quorum on her own party's MPI. No-one entered the house, so the Leader of the House ran through the chamber dragging the Government Whip with her to try to get people back in the house because they had stuffed up their own —

Honourable members interjecting.

The ACTING SPEAKER (Mr Pearson) — The members for Warrandyte and Burwood are not in their seats.

Mr WAKELING — Seriously, if ever you wanted an example of how erratic and how much of a rabble this government is, we have just seen it in this house.

I have been in this house for 11 years and have never seen a government call a quorum on its own MPI. We then had the unedifying spectacle of the Leader of the House running in here, berating the whip and trying to find out what was going on in the operation of this Parliament. If any party wanted to demonstrate that it was bankrupt financially, morally or policy-wise, we

have just seen it played out in this Parliament. We then had the Speaker enter the house because he did not know what was happening. Nobody knew what was going on in this house.

The matter before the Parliament, funnily enough, is meant to be an attack on the opposition. We have just seen how those opposite — the government — are handling their own MPI. They wrote the MPI; it was their idea. They had to call a quorum on their own MPI, and then they screwed it up. Let me tell you, Acting Speaker, if ever you wanted an example of how any political party in the state of Victoria was bankrupt financially, morally or policy-wise, you have just seen it played out on the floor of the Victorian Parliament.

I was more than happy to speak; I had copious amounts of information. But do you know what? I do not need to contribute anything more, I think the actions of the government speak for themselves.

Mr PAKULA (Attorney-General) — How lucky is the member for Ferntree Gully? He got a quorum called on him and it meant he did not have to think up 10 minutes of drivel, he only had to think up three. Nor did he have to support the Leader of the Opposition.

Mr Watt interjected.

The ACTING SPEAKER (Mr Pearson) — Order! If the member for Burwood is going to interject, then he can resume his seat.

Mr PAKULA — I rise to support the motion of the Deputy Premier. In doing so I ask: what is the most intriguing element of this affair? What is the most damaging part of this for the Leader of the Opposition? Is it the fact, alone, that the Leader of the Opposition had dinner with Tony Madafferi? Extraordinary of and by itself.

But it is not the most intriguing part of this whole affair. Maybe it is the fact that he spent yesterday morning wanting people to believe that he was doing no more than drinking Grange with cousin Tony from the fruit shop. Maybe that is most intriguing part of the affair.

Or was it the fact that once the telephone transcript emerged at lunchtime yesterday that he wanted us to believe that nobody in his office had ever heard of Antonio Madafferi, despite full-page stories about him and Liberal donors and fundraisers in 2013 and 2015? He wants us to believe that nobody jerried when they read that name on the guest list. Maybe that is the most intriguing part of the story.

He wants us to believe that no-one in his office had ever heard of Madafferi, despite the fact that the former chairman of the adult parole board, Bill Gillard, was severely embarrassed by his association with Mr Madafferi in 2015 — and all he got was a basket of fruit. Despite all that publicity, we are meant to believe that no alarm bells at all went off in the office of the Leader of the Opposition. It is either deceitful or it is incompetent, one or the other.

Well, those things are all intriguing. Frankly none of the claims that have been made by the Leader of the Opposition pass muster. He has been in Parliament, like the member for Ferntree Gully, for 11 years, like I have been in Parliament for 11 years. He was the Minister for Planning for four years, he has been the Leader of the Opposition for almost three years, and we are supposed to buy this story that he did not know that the bloke next to him at the table was Tony Madafferi and that no-one in his office had ever heard of him. It just defies credulity.

But as intriguing as all that is, there is something else which is just as notable and it is this: this is the inside job to end all inside jobs. This is a sanctioned hit on the Leader of the Opposition commissioned by someone very, very close to him. There can no longer be any doubt that some forces inside the Liberal Party have declared the Leader of the Opposition on. They have declared him on — and why might that be?

It could simply be a case of those who were once close to former Premier Baillieu saying to the Leader of the Opposition, 'What goes around comes around, laddie'. It might be as simple as that. Or it might indeed be the state president of the Liberal Party, Mr Kroger, saying the same thing but with much more contemporary evidence of treachery. We heard Mr Kroger putting on a very good show this morning, making hysterical claims about the involvement of the Labor Party, about how this is some Labor Party dirt unit act, even though it is transparently an inside job. We would say to Mr Kroger, 'Yep, we get it', the Bart Simpson 'I didn't do it' defence. We understand what you are trying to tell not just us, but also a number of the colleagues on this side of the house — it was not you. We believe you; others might not.

So if it is not those close to Mr Baillieu, and it is not Mr Kroger or those close to him, who else might it be who might have commissioned this job on the Leader of the Opposition? Maybe it is some of his parliamentary colleagues. Maybe it is some of those people who have decided that there is just too much baggage around someone who seeks to portray himself as holier than thou, as tough on crime and as above reproach.

You can understand why they might have come to that conclusion. His whole leadership, his whole pitch to voters, is founded on the notion of no second chances: 'I am the tough guy — no second chances'. How many chances does this one want? Dodgy deals for mates on Phillip Island, dodgy deals for donors and developers at Fishermans Bend and now, dodgy dinners to discuss the concerns of the fruit and vegetable industry. Or perhaps to discuss waste management — who knows?

The last few months, and indeed the last couple of years, have allowed us to draw back the curtain and see the Opposition for what it really is. Their former state director pinched all their money — he is inside now. Their fundraising arm is at war with their party office. They are saying they have got no money, and they are threatening to sue one another. Their state leader tried to take out their state president and missed, and we are seeing the consequences of that miss. The shadow Minister for energy and resources is at the table. He made some false claims about qualifications. The shadow Minister for Emergency Services made false claims about the role of career firefighters on Black Saturday, and the shadow Minister for Health was run out of this place by the member for Kew. They are an unbelievably motley bunch of misfits. They are entirely unsuited to government; they are entirely unqualified for government.

On top of all of that we have the Leader of the Opposition himself, the victims' friend, the crusader against rorts, the upholder of standards, with not one, not two but now three strikes against his name: Ventnor, Fishermans Bend and the Lobster Cave. There are, no doubt, those amongst his colleagues who now believe that he is too great a liability to remain in his role; that there have already been too many secrets and too many deceptions. They might well be right about that, but given the rancid underbelly of the entire show, if they believe that the problem begins and ends with the Leader of the Opposition, then they are engaging in the biggest deception of them all. They are deceiving themselves.

Mr SOUTHWICK (Caulfield) — I rise to make comment about this matter of public importance (MPI). It really should be about this disgraceful, out-of-touch government that we have in this place. It is an absolutely out-of-touch government that is facing its own series of crises. In fact this government started in crisis. This government started its term with its very own red shirt brigade. We all remember the famous red shirt brigade that was out there to go out and campaign, to try and sell the Labor message to the voters of Victoria. That was all well and good, but how was that red T-shirt brigade funded? It was funded by taxpayers.

Mr Richardson interjected.

Mr SOUTHWICK — That is how it was done. You know that, member for Mordialloc. It was taxpayers funding. That is what was done, and that is still facing investigation.

Here we have a government questioning who is morally bankrupt when the most morally bankrupt people we have in this chamber are in this government. It is a government that started in disarray. It started as an absolutely deceiving group even from the time when the polling booths were staffed with people in dress-up uniforms. They were not authentic uniforms; they were dress-ups. We know about the dress-ups that you people employed, we know about the red T-shirt brigade, and it has continued. It has continued with the sacking of ministers.

In the beginning there was the attack on the previous small business minister. He was sacked and returned to the backbench very quickly under investigation, and it has continued ever since. This has been a government that has been attacking itself. They have been fighting with themselves. It is ethically bankrupt, morally bankrupt and especially policy bankrupt.

We have seen it with the rorting members for Tarneit and Melton. If any Victorian taxpayer wants to look at this house and point the finger at somebody, they should be pointing it fairly and squarely at the government. Those two members rorted their allowances — not their own but taxpayers allowances. It was taxpayers money they used. They rorted those funds. They rorted for their own benefit. And where are they now? They are not locked up. They have not resigned from the Labor Party. They are members of the Labor Party, and they sit here in this chamber.

How can we have a matter of public importance brought by the member for Monbulk that talks about people that are morally bankrupt when two of their very own members — and you know that, member for Mordialloc; you sit alongside them. The member for Mordialloc sits right alongside the member for Tarneit and the member for Melton, who have rorted taxpayers funds, and he is quite happy to sit there while they are rorting taxpayers funds. They did it in opposition. They did it when they stole a dictaphone. They stole a dictaphone belonging to a journalist from the *Age*, Farrah Tomazin. They stole it and then destroyed it. You know that, member for Mordialloc. That is what they did. They stole it, and they destroyed it.

We saw Steve Herbert, a former minister in the upper house, using his taxpayer-funded, chauffeur-driven

vehicle to chauffeur his dogs, Patch and Ted. That is what he did. He ferried his dogs around, rather than using his vehicle for vital government business. This is a government that is completely morally bankrupt.

Again we talk about mates. In the last couple of days the government has been puffing its chest out and talking about mates. I suggest the Labor Party look at their own mates and see who they associate with.

Mr Richardson interjected.

Mr SOUTHWICK — Who do you associate with, member for Mordialloc? Who are your CFMEU mates? Who are your CFMEU murderers, member for Mordialloc, with one of the most marginal seats in Victoria? We hope many of your voters know who you associate with. We know that your members and your colleagues are saddled right up to Peter Marshall; they are right alongside Peter Marshall, who said what?

An honourable member interjected.

Mr SOUTHWICK — And the member for Mordialloc is right alongside Peter Marshall, along with the member for Frankston. They are both marginal seats. Every one of your voters needs to know what Peter Marshall said about taking an axe to the head of the member for Brunswick. He wanted to take an axe to the head of a member who is a former minister. That is who you associate with. That is who you take your orders from. You take your orders from the United Firefighters Union (UFU) and Peter Marshall. But that is not enough; you also take orders from the CFMEU and John Setka. A couple of great buddies they are. A couple of great friends to have they are.

It is the pot calling the kettle black when you come in here, all high and mighty, and say, 'Look, how good are we?'. I say you are a disgrace. No-one believes you, no-one trusts you. You can have a smile on your face for a few days, but that smile is going to wear out really quickly because everybody knows what you are. You are morally bankrupt. You are a disgrace to all. You would not know what ethics are. You would not have a clue. When you come in here with an MPI like this, you show just what a disgrace you are.

When it comes to policy you are bankrupt as well. We should be talking about what we are facing here right now, instead of spending the time putting up MPIs. Instead of talking about and dealing with policy, those opposite want to talk about other things. Instead of talking about the cost of living, which each and every Victorian is dealing with, they want to talk about other things. Where are your policies on the cost of living?

Mr Richardson interjected.

Mr SOUTHWICK — Labor talks about the Prime Minister. The Prime Minister today had a meeting with all the retailers to talk about energy prices. In contrast, your minister and your Premier have done what? An inquiry, which is two months late, just like every other inquiry they have put on. We have the Minister for Resources here. He knows very well the brown coal inquiry was 12 months late — late, like everything that you have done. The Minister for Resources says, 'We've got it right', only to ensure there will be no more brown coal baseload built under this government. That is what it is. You have basically shut down future jobs in the energy market thanks to your bankrupt policy. That is what you have done. You have done it absolutely wrong. When it comes to energy —

Mr Noonan interjected.

Mr SOUTHWICK — So when you know you are wrong you revert to anything you can say, do you not, Minister for Resources?

Mr Noonan interjected.

Mr SOUTHWICK — We know that you are angry now. Keep getting angry. The Minister for Resources knows very well that he has got the coal policy wrong — 12 months late, and you have got it wrong.

The ACTING SPEAKER (Mr Pearson) — The member should address his remarks through the Chair.

Mr SOUTHWICK — And you know why? Every Victorian faces the music. We are all facing pushed-up power prices. And we have got people like Odette bathing children every two to three days instead of more often because it is just too expensive; and reducing cooking and food costs. Odette says, 'I enjoy cooking, but it is too expensive. I try to avoid using the oven and gas. I do not really make things that I used to make, so it is just very simple. Things are very quick'.

Ms Neville interjected.

Mr SOUTHWICK — The Minister for Police interjects.

The ACTING SPEAKER (Mr Pearson) — Through the Chair.

Mr SOUTHWICK — This is from a report from the Victorian Council of Social Service today. Rather than interjecting, I suggest you read the reports about people who traditionally would be your voters, but you have abandoned them. You have absolutely abandoned

them because you do not care about power prices. The Minister for Police might laugh, but she does not care about power prices. She does not care about law and order. That has got out of control under her watch as well. So when you talk about a government —

Ms Halfpenny — On a point of order, Acting Speaker, what relevance does this have to the MPI that we are currently debating?

Mr SOUTHWICK — On the point of order, Acting Speaker, the MPI actually talks about people that are policy bankrupt, so that is what I am talking about at the moment. It is dealing with policy bankruptcy. I am giving the example that what we have here is a government that is policy bankrupt. This government has put it out there, this government is the one that is bankrupt on policy.

Ms Halfpenny — What relevance does this have to the point of order that I have raised?

The ACTING SPEAKER (Mr Pearson) — The member for Thomastown cannot raise the same point of order when I have not ruled yet. It has been a wideranging debate, I appreciate that, but I am not quite sure what relevance energy prices have in relation to the MPI. I will ask the member for Caulfield to resume his contribution.

Mr SOUTHWICK — This government is completely bankrupt. It is bankrupt on ethics, it is bankrupt on morals and it is bankrupt on policy. It is an absolute disgrace that we are here debating this right now when we have got people out in the cold, people who cannot afford to warm their homes and cannot afford to keep the lights on because of this disgraceful, inept, no-policy government.

Mr CARROLL (Niddrie) — It is my pleasure to join the debate on this very important matter of public importance. It was interesting to listen to the former member. I just googled him and the Wikipedia entry does say —

Mr Southwick — On a point of order, Acting Speaker, I ask the member to be accurate in his contribution. He just called me the former member, so I would ask him to be more accurate. I am currently the member. When I last looked, I was the member.

Honourable members interjecting.

The ACTING SPEAKER (Mr Pearson) — Through the Chair.

Mr Southwick — So let us get it right. If you are going to have a go, I suggest you get it right, and then I will be ready for the rest of your contribution.

The ACTING SPEAKER (Mr Pearson) — The member for Niddrie to continue.

Mr CARROLL — I think it is actually the résumé builder over there.

Mr Southwick — Acting Speaker —

Mr CARROLL — Look, Mr Sensitive.

Mr Southwick — On a point of order, Acting Speaker, I have asked the member to be more accurate. Rather than sledging in the chamber, I would ask him, if he is going to refer to me, to refer to me by my title or not to refer to me at all.

The ACTING SPEAKER (Mr Pearson) — Order! The member for Niddrie is to refer to members by their proper title.

Mr CARROLL — Member for Caulfield, shadow energy minister — I think it was minister when you were in China. Are you okay with shadow minister, to correct the title for *Hansard*?

Mr Southwick — I raise a point of order, Acting Speaker. I say to the member: it is going to be a very short contribution, because if you are going to continue to play games, I am happy to continue.

The ACTING SPEAKER (Mr Pearson) — Through the Chair. What is the point of order, member for Caulfield?

Mr Southwick — Yes, absolutely. What we have got here is a member that keeps not following your ruling, Acting Speaker. Your ruling was to refer to me by my accurate title. Again the member is being completely inaccurate, so I suggest that you bring him back to at least referring to me by my title. I think I have earned that in here, just as you may have as well; otherwise, do not refer to me at all.

The ACTING SPEAKER (Mr Pearson) — Order! The member for Niddrie to continue and to refer to the member for Caulfield as the member —

Mr CARROLL — On a point of order, Acting Speaker, the member himself referred to himself as being an adjunct professor, and then it was clarified by the university because he was not. If he wants to now state for *Hansard* that he has actually completed those two units to become adjunct professor, I ask that he please do so.

Ms Victoria — On a point of order, Acting Speaker, I know that MPIs are broad ranging, but this is a little off topic. I ask you to bring the member back to the topic at hand.

Mr Noonan — On the point of order, Acting Speaker, this is an MPI which goes to the Liberal Party's financial, moral and policy position as being bankrupt, and I think the member is making some points about facts that have been reported widely.

Mr Watt — On the point of order, Acting Speaker, the member for Caulfield raises a very pertinent point of order. In this place we should be calling members by their title. If a member is not a minister, then the person should be referred to by their electorate. This has been longstanding practice. It has been very clear. The member opposite should probably try to find out where the member is from. If the member for Niddrie wants to continue his contribution and if he wants to refer to a member on this side, say the member for Caulfield, he should probably use the title 'member for Caulfield'. If he wants to continue down this path, he has only got 6½ minutes left. He will not have much time left if he keeps continuing down this path.

The ACTING SPEAKER (Mr Pearson) — I have been listening intently to the member for Niddrie's contribution. After I ruled on the previous point of order he did refer to the member as both the member for Caulfield as well as the shadow energy minister, so I would ask that the member for Niddrie be allowed to continue his contribution.

Mr CARROLL — Thank you, Acting Speaker. This is a very important matter of public importance. We actually had a world record set yesterday — a record for the Guinness book of records — the Leader of the Opposition referred himself to IBAC. That is unheard of. He referred himself to IBAC. Why?

I have some questions for the Leader of the Opposition that are very important. Is it going to be a truthful account? There are 17 questions here that we need answers to. Who chose the venue, the Lobster Cave? Who organised the guest list? How many people attended — was it 20, was it 12 or was it seven? Who paid for the food and the wine? What was discussed at the dinner? Was any potential rezoning of farmland in Melbourne's south-east discussed? Did the Leader of the Opposition make any promises about Liberal Party policy at the dinner? The Leader of the Opposition said yesterday he did not drink any of the luxury Penfolds wine on offer, but today he has admitted that he did have a sip. What else from the story has changed over the past 24 hours? The Leader of the Opposition said

Frank Lamattina organised the lobster dinner, but the president of the Victorian Liberal Party, Michael Kroger, said it was Barrie Macmillan. Who is correct — Michael Kroger or Barrie Macmillan?

The Leader of the Opposition has agreed to release all correspondence and other records about his affair to IBAC. Will he now make those records public? Does he stand by his claim that there have been no donations from any of the people at the dinner at any time while he has been leader? Did any of the people at the dinner make a donation to his campaign when he was Minister for Planning? Will he immediately instruct the Victorian division of the Liberal Party to release its list of donations to ensure no donations have been received from Mr Madafferri or any other people with alleged links to organised crime?

Given the Leader of the Opposition has now stated that IBAC can have whatever they want, will he immediately release all documents relating to the Fishermans Bend rezoning scandal in which Liberal donors made huge windfalls as a result of his planning decision? Given he has now stated that the Independent Broad-based Anti-corruption Commission can have whatever they want, it is time for him to be truthful about what happened at the Lobster Cave. He claims he has broken no laws with regard to this scandal. What about in relation to Fishermans Bend and Ventnor?

We have seen a pattern over the past couple of months. We saw the correspondence leaked last week from head office that the Liberal Party is looking at putting their headquarters on Exhibition Street up for sale to get the \$20 million it needs for a campaign. We have seen Michael Kroger reopen pre-selections down in the south-east because he knows the quality of those on the Labor side, as compared to the duds the Liberal Party have had there previously. They are probably out there looking for Geoff Shaw right now to find out where he is and see if they can bring him back, because the Napthine-Baillieu-Geoff Shaw government was such a winner.

Let us be honest, the Cormack Foundation for the first time in their 30-year history are now donating to the Liberal Party's political opponents — other conservative political parties are receiving money from the Cormack Foundation. This is an unbelievable story about the Victorian Liberal Party. We cannot wait for Jeff Kennett to write a book on how the Liberals have gone downhill so quickly since the late 1990s. It is an amazing story of what is happening on that side of politics. The party of financial responsibility is looking to sell its headquarters on Exhibition Street. Its portfolio of good investments is being used to fund head office.

Even the Liberal Party's former director is in jail! The bloke who ran their campaign at the last election is in jail. This is unheard of. There is a book to be written, and it is going to be a bestseller. I hope Jeff Kennett is the author.

These are serious matters. When you look at Hugh Morgan, who was president of the Business Council of Australia and is a former Reserve Bank governor; John Calvert-Jones; and Charles Goode, the former chairman of the ANZ bank — were any of these people at the Lobster Cave? No. Why? They might not be outside of politics, but we can all respect them for the people they are and the careers that they have built. They would never dream of going to such a function with such characters at the table, just to get a bit of money. We do not know what promises were made. For the Leader of the Opposition to blame his office says a lot about the character of the man.

Mr Watt — On a point of order, Acting Speaker, the member for Niddrie has been warned about using correct titles in this place. If he wants to refer to the Leader of the Opposition during the debate, he should probably either refer to him as the member for Bulleen or as the Leader of the Opposition. He does not get to refer to him by his name.

The ACTING SPEAKER (Mr Pearson) — The member for Niddrie is to refer to members by their correct titles.

Mr CARROLL — Thank you, Acting Speaker. I am going to use my final minute to refer to one of the favourite journalists of those opposite, James Campbell. You cannot beat it. The headline reads, 'Guy's attack dogs more like lapdogs'. He says of the member for Ferntree Gully that he is a good bloke, but by gee, he might sleep with the lights on. We have had a former health minister taken out by a 15-year-old in a preselection in Kew. It is just incredible. The shadow minister for energy and resources, while he was visiting China, said that he is actually a minister. Two universities have had to come out and correct the record and say that he is not an adjunct professor, and then when you question him on it in here, he becomes a crybaby and runs out. You have got to have some heart, you guys over there. You have got to put your chin to the wheel. You have got to get out there and do the hard work. Member for Malvern, your chance has come. I know you celebrated last night. Celebrate tonight, celebrate tomorrow and celebrate all weekend, member for Malvern.

Mr Watt — On a point of order, Deputy Speaker, the member for Niddrie should direct his comments

through the Chair. I assume he is not casting aspersions on the Chair.

The DEPUTY SPEAKER — The member for Niddrie has concluded his presentation.

Mr WATT (Burwood) — I rise to speak on the matter of public importance. It is interesting to listen to the debate from the other side and note that there are a couple of names that those opposite have missed throughout this entire debate. They will not talk about the member for Tarneit. They will not talk about the member for Melton. They will not talk about the member for Lara. Where has the member for Lara been during this entire debate? Why does he not come in here and answer questions about his mate Tarik Solak? Why is the member for Lara not here? Why has he not been contributing to this debate?

Why is it that members opposite do not want to talk about John Setka? John Setka, a criminal convicted of more than 60 offences, and those on the opposite side do not want to talk about him. Why is it that those on the other side, the members of the government, do not want to talk about convicted criminals they consort with? Why is it that I have not heard them talk about people like Kelvin Thomson and his references for convicted criminals like Tony Mokbel? Maybe they do not want talk about Mick Gatto. If you want to talk about 'financially, morally and politically bankrupt', that is the Labor Party. I find it hilarious — you called a quorum on yourself!

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

ENVIRONMENT PROTECTION BILL 2017

Second reading

Debate resumed.

Ms THOMAS (Macedon) — After that performance by the member for Burwood what a relief it is to now engage with a matter of real substance — that is of course the Environment Protection Bill 2017.

An honourable member interjected.

Ms THOMAS — I will take up the interjection. Those on the other side have demonstrated in their contributions to this government's very important, very significant matter of public importance (MPI), which calls into absolute question the capacity, the ability and the moral authority of the member for Bulleen to continue as the Leader of the Opposition. He has no such authority.

Mr M. O'Brien — On a point of order, Deputy Speaker, if the Labor Party had wanted the member for Macedon to contribute on the MPI, they could have given her a slot. They did not do so. She cannot now use the current bill before the house to continue arguments prosecuted in the MPI debate.

The DEPUTY SPEAKER — I ask the member for Macedon to return to the bill.

Ms THOMAS — It is with pleasure that I rise to speak on the Environment Protection Bill 2017. This is a fantastic bill. In the development of this bill we have seen what this party on this side of the house is all about. We do the hard work. We deliver the real reforms. The history of this bill coming to this place today is of course that this was part of an election commitment that we made. On this side of the house we do the hard yards, we develop our party platform and we develop policies to take to the people of Victoria, and once we are given the great privilege to govern we make it our business to go about implementing every single one of our election commitments.

It is really with great pride that I rise today to speak on this important bill. I would like to acknowledge the Minister for Energy, Environment and Climate Change for the diligence and the passion that she brings every single day to delivering on this government's very important environmental agenda. As we know, here in Victoria we were the second state to deliver an Environment Protection Authority. That was back in the 1970s. I do note that that was indeed under a Liberal government. Henry Bolte was the Premier of the day.

Mr Dimopoulos interjected.

Ms THOMAS — The member for Oakleigh has queried whether or not it was a Labor government that introduced this bill, and so he should because one could not for a moment imagine that the current rabble on the other side of the house — the Liberal Party that we have here before us today, the Liberal Party that hangs out with notorious members of Melbourne's underworld — would have or could have either the moral or the intellectual capacity to deliver a bill such as this to the house. I stand here and I give that credit to Liberal governments of old — Liberal governments that really delivered on what it was to be Liberal. As we know, the Liberal Party is in a very sorry state of affairs, and that perhaps is the reason why they have managed to govern for only four years of the last —

Mr Clark — On a point of order, Deputy Speaker, the member is defying your previous ruling, again

returning to canvass matters relevant to the matter of public importance rather than the bill before the house. I ask you to bring her back to the bill.

The DEPUTY SPEAKER — I ask the member for Macedon to return to the bill.

Ms THOMAS — I will do that, Deputy Speaker. Thank you for the opportunity. As I was saying, it does take a Labor government to deliver these types of reforms into the house. On the bill that we have before us today, commitments were made before the election to establish an independent review of Environment Protection Authority Victoria (EPA). That review was delivered. I congratulate the reviewers, three women. Penny Armytage, Jane Brockington and Janice van Reyk are all very well known as leaders in public policy — intelligent, credible public policy leaders here in the state of Victoria. The government received the report, and it has accepted and is acting on the majority of recommendations and has accepted in principle others in the report.

The bill before us today delivers very important foundational governance reforms to the EPA. The bill will clarify the EPA's role, improve the EPA's statutory governance arrangements and reinforce the EPA's role as a science-based regulator. To me, that is a very significant and very important element of this bill. Again, I would put it to you that it is only the Labor Party in this day and age that gives the respect that is due to science. It is hard to think that in 2017 we would have a divide in our houses of Parliament between those who actually believe in and support scientific inquiry and evidence and those on the other side, who at every step of the way seek to ignore what science is telling us, particularly when it is in relation to climate change. I am very pleased that the bill reinforces the EPA's role as a science-based regulator. Indeed we have already moved to appoint a chief environmental scientist.

This bill will also support the government's decision to consolidate Victoria's environmental public health capability in the EPA. It is a really important bill. It is the first of two bills that will come before this house. It is being backed up with real investment. The last budget announced an unprecedented \$162.5 million over five years to reform the EPA in order to ensure that it has the resources it needs to deal with its very important work.

Let us be clear: the EPA was desperately in need of reform. It is a very good organisation and it is well respected, but after 45 years it was very timely that there be some reform. What we have seen is that the EPA has been challenged of late by some very significant environmental pollution issues in our

community. This reminds me that when this state was suffering the very dire consequences of the Hazelwood mine fire the then Minister for Community Services was nowhere to be seen, despite the fact that she was the minister with the responsibility to assist, work with and support that community in its recovery. She was nowhere to be seen because, symptomatic of the modern Liberal Party, she was fighting for her political life against a young upstart from the hard right of the Liberal Party who was taking her on and determined to oust a minister. Of course as we know, that minister is now stuck in the upper house. I bet she would be wishing she was down here now, because quite clearly we are going to see a leadership vacancy in the not-too-distant future.

Mr Clark — On a point of order, Deputy Speaker, for the third time the member is departing from her obligation to speak to the bill and is again defying your ruling that she should do so. Again I ask you to bring her back to contributing to the bill rather than attempting to re-engage on matters that were addressed during the debate on the matter of public importance.

The DEPUTY SPEAKER — I do ask the member for Macedon to speak to the bill.

Ms THOMAS — As I was saying, I had to mention the Hazelwood mine fire. I do have to mention Fiskville, which was yet another example of absolute incompetence by those on the other side. Indeed what we saw at Fiskville — the incompetence and the cover-up — was key to this government taking the commitment to reform the EPA to the people in 2014.

In more recent times — and I note the member for Broadmeadows is in the house — the Coolaroo fire and indeed the tyre dump in Stawell are both examples of environmental waste management issues. We need a strong EPA to protect us from the challenges presented to us by environmental waste management. As we know, this is perhaps only going to increase. The *Four Corners* exposé on waste highlighted for us that there are some real and significant challenges in waste management here in Victoria. Indeed, Deputy Speaker, I draw your attention to the coming edition of *Four Corners* next Monday night. It also promises to be an absolute must-see, with an exposé on the Leader of the Opposition and the Liberal Party. I commend the bill to the house.

Mr DIMOPOULOS (Oakleigh) — It gives me great pleasure to talk on the Environment Protection Bill 2017 and to follow the great contribution by the member for Macedon. I too look forward to the program on Monday evening. It is a very interesting

program, *Four Corners*. *Four Corners* does have a habit of exposing corruption and really bad political judgement at the very least.

We are a government, as others have said, that delivers on its promises. We are a government that has changed the mould of what it is to be a political party that actually makes a promise, delivers it and keeps it in government. We came to government, and we immediately committed to commissioning a major public inquiry into the Environment Protection Authority Victoria (EPA) after the appalling response to the Hazelwood mine fire.

The former Minister for the Environment, Climate Change and Water appointed an independent ministerial advisory committee, as others have said, and they consulted widely with Victorians in relation to the remit. The wonderful current minister — and in fact the former minister was excellent too — welcomed the report on 17 January 2017 and in the last budget announced an unprecedented \$162.5 million over five years to reform the EPA to give it effective power and to bring it into the 21st century. As the member for Macedon said, the current legislation that governs the Environment Protection Authority was established in the 1970s, and while it was an excellent piece of legislation for its time, it no longer serves the purpose that the community and governments expect of it in this day and age.

As the previous speaker said, this is the first of two bills. The first bill introduces a new statutory objective for the EPA to protect human health and the environment by reducing the harmful effects of pollution and waste. Victorians expect the EPA to have their health and the health of the environment — obviously, as it is in the name of the organisation — at the forefront of the organisation, and we will ensure that through this bill and the next one that that is exactly what the EPA does. We can never have another incident like Hazelwood, and you cannot guarantee not having another incident like Hazelwood unless you actually take steps to rectify it.

One of the key elements of this bill is the creation of the position of the chief environmental scientist. I was going to resist — but I will not — the temptation, which is too great, to say that it is not unusual that it is a Labor government that is actually putting its faith in science. Appointing the statutory position — an independent, powerful position — of chief environmental scientist is obviously a position and policy idea that would not come from the Liberal Party side of the house. They still have climate change deniers in the federal Parliament. I think they have

some here, but I have not heard from them too often. In fact I have — I think it is the member for Benambra.

Dr Andrea Hinwood, as has been announced publicly, has already been appointed to this role, and her depth and breadth of knowledge has already been felt right across the organisation. This position is important because it supports the EPA's important role as a science-based regulator and ensures the government has access to high-level technical advice on EPA matters. Environment protection matters are a contested space, contested by experts and non-experts alike. They are contested by local government, by the EPA, by community organisations or by other interest groups, so it is an absolute imperative to have a qualified office — one that has some gravitas — to provide scientific, quality advice to decision-makers. This may not be important to those opposite, but it certainly is to us.

We will also ensure that the EPA has a proper board that fits the aspiration we have for it, which is for it to be a modern, independent regulator. These reforms are necessary. They have been necessary for many years, but Hazelwood is one incident that made it crystal clear just how important these reforms are.

In terms of the other elements of the reform, while this is machinery of government and slightly under the radar, it is very important. These bills will establish the EPA as a separate public entity under the Public Administration Act 2004. Currently the EPA is an administrative office under the Public Administration Act. An administrative office effectively does not have the gravitas or the power of a public entity mentioned under that particular section of the Public Administration Act, and in fact it can be overwritten and ignored by a greater bureaucracy and political process.

Making the EPA a public entity will provide it with a more independent status. There are only a handful of organisations in Victoria mentioned under that particular section of the Public Administration Act. This change to the EPA status is not being made by this bill but through an order in council that is provided for under the Public Administration Act. That will also make the chairperson of the governing board a person with the functions of a public service body head — someone who can employ people and someone who can make decisions that are independent, as many public servant heads do in Victoria. Maintaining the EPA employee status of public servants will ensure the continuity and stability of the EPA and its staff. It will go from being an admin office to a public entity, but it will maintain protections for employees, and it will have more far more gravitas and power.

There is a whole range of other important matters covered in this bill, but I do want to make a couple of remarks in relation to the esteem in which the EPA is held in the community. In my time on the Monash council there were often situations when council worked with the EPA to find a resolution for a resident. They were often situations that were life-destroying for a particular family or a set of households but were largely ignored by others. They were often issues related to noise or odours, and they were usually in areas where residential areas abutted commercial or industrial areas. I remember the EPA was held in high regard, because while council had some resources in relation to addressing the concerns of residents, we — the council — would default in large part to the EPA.

However, having said that, the EPA at best had a moderate impact on the resolution of some of those matters. There were funding issues, regulatory power issues and a range of things that influenced its ability to bring about even a moderate level of relief for residents who had approached the council, me or the EPA for the things I was talking about, such as noise, odour and other things. My point in relation to that is that the EPA is often called upon by communities to protect their health and to protect their residential amenity in consultation with council.

I think the organisation has done a pretty outstanding job apart from the big issues we discussed around the Hazelwood mine fire, but I think that was also partly the fault of past governments through lack of resourcing and regulatory power. While it has done a good job, it could do far better. It has a really good brand name in Victoria. People respect the EPA. People want it to do the things it was set up to do. It is an organisation that is becoming increasingly relevant in a world that is faster and busier, where commercial, industrial and residential areas overlap and where there are a whole range of intersections that we have not yet anticipated. We need a strong, robust, independent regulator to come in and provide quality advice on making some significant changes to people's lives, to the health of Victorians, through its work.

This is the first of two bills. I look forward to the passage of this one. I look forward to looking back at the EPA as a proud and effective organisation. I commend the bill to the house.

Ms WILLIAMS (Dandenong) — It is my pleasure to rise in support of the Environment Protection Bill 2017. We know matters that relate to the environment can often be overly politicised not only in this state but across our country, and I think that is a great shame. As has been referred to by other speakers who have

contributed to this debate, the Environment Protection Authority Victoria (EPA) was created in 1971. I think it is a great strength of our state that we have had this body and it has served us well over quite a considerable period of time. What we have also learned is that since that time there has never been a significant review of the EPA and its functions, and of course over that period of time there have been significant changes to our community and society in terms of population growth, changing industries, changing environmental landscapes and a range of other things that mean we need to have a look at the EPA in order to make sure that it continues to be relevant, that it is modern and that it is operating in the best possible way.

We have also heard that the bill implements key commitments in the Andrews Labor government's response to the *Independent Inquiry into the Environment Protection Authority* and that the 2017–18 Victorian state budget committed some \$162.5 million over five years to bringing the EPA into the modern era, which includes the reforms being made through this bill. As I have said many times in this place and with great pride, this bill meets a strong commitment that we have made, and we on this side of the house pride ourselves on meeting our commitments.

The inquiry I just mentioned was conducted by an independent ministerial advisory committee which was chaired by the very able Penny Armytage, with other members including Jane Brockington and Janice van Reyk. The inquiry, as we have also heard, featured considerable public consultation not only with the community but also with local government and business. The report from that inquiry was released publicly in May last year, and our response to that inquiry was released publicly earlier this year, in January.

The inquiry confirmed, as a previous speaker outlined, that there is a strong desire within our community for a strong EPA to protect them and their environment. We are increasingly beginning to understand the connection between our own health and the health of the environment. I think that is a really important realisation for us to have. It may have been dismissed in previous times as being the domain of the greenies, tree huggers and the like, but I think these days there is a far more mainstream understanding of the concept that we are very dependent on the health of not only our natural environment but also our built-up environment, the industries that form part of our environment —

Mr McGuire interjected.

Ms WILLIAMS — We are also dependent on the health of our suburbs, the member for Broadmeadows

contributes, and the areas in which we live, work, move around and operate every day of our lives. That realisation has encouraged us to be more responsible citizens in our day-to-day lives and to look at how we can improve the way we do things in all aspects of our lives, including our work.

In response to the inquiry report, the government committed to a wide range of reforms to the Environment Protection Act 1970 to enable the EPA to meet the challenges of both today and the future with the changes that we know will be coming about, as well as the ones we can predict. We know that we are in a time of great change, and with great change often come great challenges. Those challenges are outlined very succinctly and clearly in the inquiry's report. They go to predominantly issues that arise from pressure on our natural environment — that is, pressure on our resources such as land, water, air and other natural resources, which happens as a result of the increasing population, a growing and diversifying economy and the rapid technological changes that we have seen in recent years. We often talk about transitioning industries, and on this side of the house we are often focused on what that means for jobs, for changing economies and for changing communities and how we can ensure the economic stability of our communities now and into the future, but often what sits beneath that and is under the surface is the impact of those changes on our environment, which I think highlights the need for a constantly relevant and consistently modernised organisation like the EPA.

One of the things that this piece of legislation before us addresses is the fact that the existing Environment Protection Act does not currently outline an objective for the EPA. The inquiry found that the scope of the EPA's responsibilities is actually not all that obvious to the community and also to other parts of government and other regulated entities. This stands to cause significant levels of confusion among stakeholders and often also leads to some level of misguided expectation of the EPA — an expectation that perhaps it will deal with issues that are, in reality, beyond its scope.

The bill before us today introduces a statutory objective for the EPA, and that statutory objective is to protect human health and the environment by reducing the harmful effects of pollution and waste. The focus on pollution and waste is very important. These issues are critical in terms of defining the EPA's areas of responsibility and for guiding what other instruments, expertise or capabilities it requires to operate effectively. As a part of drawing the lines around the EPA's areas of responsibility it is also important that I highlight that the EPA is not responsible for managing

natural resources, ecosystems or biodiversity in other aspects of the environment, but it is concerned with the impact of pollution and waste on the environment and on human health.

This is quite a topical issue at the moment. As we saw in a previous week stories have emerged around recycling and around waste more generally. But the story on recycling that I saw briefly earlier in the week was of particular interest to me because I represent the seat of Dandenong, which is a highly industrialised area with a range of different industries in place, including elements of the waste industry. I visited one particular company only a few weeks ago with the Minister for Energy, Environment and Climate Change. We were looking at a company that was looking essentially at how to improve the way it gathers waste, particularly recyclable waste and in particular glass, and how to increase the volume of glass it could recycle and avoid it being sent to landfill.

That particular type of recycling has come upon hard times, by all reports, with the value of the commodity taking a bit of a dive, which has ramifications not just for the industry in terms of its profitability but also for our environment and the stockpiling of some of these materials which are incredibly harmful to our environment. I think some of the matters that might fall within the consideration of the EPA might not be the most exciting for your average punter, but they are certainly incredibly significant and incredibly serious for the long-term health of our communities now and into the future.

Finally, to get to the other part of the bill that I would like to speak on, it relates to a finding of the inquiry in relation to the EPA's current legislated structure of an authority body corporate comprising one member: the chairman. The inquiry found essentially that that structure is inconsistent with modern principles of good governance and places responsibility for a wide variety of very complex issues on the one person. The Environment Protection Act 1970 currently provides for an advisory board, but this board has no statutory powers or decision-making ability. The bill replaces this single-member authority and the advisory board with a governing board of five to nine members with a range of skills, which I think enormously strengthens the ability of the authority to meet the challenges and changes that are taking place in our community. I commend the bill to the house.

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

Debate adjourned until later this day.

CRIMES AMENDMENT (RAMMING OF POLICE VEHICLES) BILL 2017

Introduction and first reading

Received from Council.

The DEPUTY SPEAKER — The member for Box Hill has advised that he will take charge of the bill.

Mr CLARK (Box Hill) — I move:

That this bill be now read a first time.

House divided on motion:

Ayes, 36

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

Noes, 45

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

Motion defeated.

YARRA RIVER PROTECTION (WILIP-GIN BIRRARUNG MURRON) BILL 2017

Second reading

Debate resumed from 22 June; motion of Mr WYNNE (Minister for Planning).

Mr CLARK (Box Hill) — The Yarra River Protection (Wilip-gin Birrarung murrong) Bill 2017 is a bill that seeks to protect the whole of the Yarra River and lands adjoining it and to do so in a way that engages the traditional owners and custodians of the land. Both of these are worthy objectives. They are objectives that have been pursued by many previous governments, including by the former coalition government, with my colleague the member for Warrandyte as minister for the environment establishing a Yarra River task force involving many of the key stakeholders along the Yarra River with the objective of better protecting and enhancing the river. Of course in relation to Aboriginal affairs the former coalition government strongly supported engagement with traditional owners and custodians through the Traditional Owner Settlement Act 2010 process, in which successful negotiations were conducted with a number of Indigenous peoples across Victoria, as well as through support for the registered Aboriginal parties (RAP) act process.

As with so much that the Labor Party does, the question is about how much of what is being done is tokenism and spin, and how much is real and well thought through. While the objectives of this bill are worthy ones, ones that certainly have the support of this side of the house, there are a wide range of issues that are raised by the bill. It is regrettable that it seems unlikely that there will be an opportunity to consider the bill in detail in this house because that will inevitably mean that the matters that could have been better canvassed in this house and addressed and a response obtained from the responsible minister will need to be canvassed in the Legislative Council instead.

To outline briefly the key provisions of the bill, it provides for a number of key planning documents in relation to the Yarra River and adjoining land. One of those is for a Yarra strategic plan to be developed which is intended to guide the management of the river, to set out principles with which specified public entities must comply and must have regard to when exercising their powers and performing their functions. Public entities will not be permitted to act inconsistently with any part of the Yarra strategic plan that is binding on them when performing functions or duties or exercising powers in relation to Yarra River land.

The bill will also provide for declaring the Greater Yarra Urban Parklands, which will include public land, both Crown and freehold, to which members of the public may have access for recreational purposes, but this will not apply to private land or to land owned by municipal councils except where the agreement of the landowner is secured.

The bill will also require the commissioner for environmental sustainability to report on the environmental condition of the Yarra River and its parklands and how that condition has changed since the commissioner's last report.

The bill also establishes a new body, the Birrarung Council, to act as an advisory group to the minister in relation to the Yarra River and its land in respect of planning and related decision-making. The council under the bill will have a maximum of 12 members, including representatives from traditional owners and those with a background in relation to environmental advocacy, the agricultural industry and community interests in relation to Yarra River land.

So that is the basic structure of the bill. As I alluded to earlier, it is very complex in its provisions, with a wide range of interacting mechanisms and how those mechanisms will operate. Who will be responsible for what, what the various instruments and plans being established under the bill will provide for and how they will interact with one another and with existing planning laws are quite complex matters and ones which unfortunately we fear those involved will have some difficulty in coming to fully understand and fully implement.

To give just a couple of examples of that, there is a provision in clause 9(4) of the bill that is one of the principles set out in part 2 of the bill under the heading 'Yarra protection principles'. Amongst a number of other principles, the principle in proposed section 9(4) is, and I quote:

There should be a net gain for the environment in the area of Yarra River land arising out of any individual action or policy that has an environmental impact on Yarra River land.

In a sense that sounds a worthwhile objective to try to achieve benefits for the environment in making decisions in relation to Yarra River land and indeed in relation to the river itself. However, unlike a number of the other principles, which are ones that are to be taken into account, this one is very specific in saying that there should be a net gain arising out of any individual action or policy. When we are dealing with an area of land that is designed to be available to the community in a variety of different ways, including for recreational use, the issue

arises: how is this principle applied in relation to a proposed facility such as a bicycle path or a playground?

It would seem on its face that the test would have to be applied, but does that bike path or does that proposed playground or indeed picnic area or barbecue facility or whatever else it might be provide a net gain for the environment? One would think that probably looking at these proposals in relation to the environment alone, notwithstanding their other broader benefits, the conclusion would have to be that these sorts of recreational facilities do not provide a net gain for the environment. Then the issue arises as to whether or not this principle precludes those sorts of facilities being established on Yarra River land.

The opposition was fortunately provided with a very comprehensive briefing on the bill by officers of the department. My understanding of what we were told in the briefing was that this is a question that is still being further considered. It was mentioned that one option may be that land that was needed to be dedicated for a recreational facility such as those that I have mentioned could be excluded from the operation of various provisions of the act and from the operation of the principles and that thereby such a recreational facility could be allowed to proceed.

If I understood that suggestion correctly, it would not seem to be a satisfactory way of achieving that objective to have to take land out of the coverage of Yarra River land in order to put in place a recreational facility such as a bike path, a playground, a barbecue area or a picnic area et cetera. This is one area in which we on this side of the house would certainly seek clarification from the government during the course of the debate or, if not, between the houses, because it is an issue that otherwise will need to be fully canvassed in the other house. If it can be resolved prior to debate in the other house, so much the better.

Another important topic to raise is the issue of representation by various Indigenous groups. My notes from the briefing provided by officers of the department suggested that they understood that the vast bulk of the Yarra River land would come under the domain of the Wurundjeri people. My note has a figure of 98 per cent. However, there are other Indigenous groups that also have some history of connection with different parts of the Yarra River and its environments, including the Bunurong people, and I believe there may be a further group that has traditionally had an interest in the some of the upper reaches of the Yarra or its tributaries.

We do think it is important that these issues be resolved because clearly we want the Birrarung Council and the

whole operation of the bill to work harmoniously and with all parties who have a longstanding interest in the Yarra area. To have that interest recognised and to be appropriately able to take part in the Birrarung Council and have their input into decisions relating to Yarra River land, particularly of course the areas of land with which they have historical and longstanding connections, is an important issue. The Minister for Aboriginal Affairs is at the table and she may be about to contribute to the bill, in which case hopefully she might be able to address some of those issues.

Our understanding is that there is currently a RAP application on foot and there is the issue of how decisions in relation to the Yarra River land and the constitution of the Birrarung Council will interact with the RAP applications that are currently underway.

The other area that I raise is the issue of how extensive the relevant plans and designations under the legislation are intended to have, both geographically and in relation to what they can control over the areas to which they relate. That question probably arises principally in relation to the Yarra strategic plan. I have to say that it is not easy on the face of the bill to work out exactly what is intended. The statement of compatibility issued by the government refers to an intention that the Yarra strategic plan, and I quote:

... may apply to privately owned land that is located within 1 kilometre of a bank of the Yarra River or is the subject of a ministerial notice under clause 15 of the bill.

When one looks at clause 15 of the bill, which is headed 'Land to which Yarra Strategic Plan may apply', it says in brief that the planning minister, by notice in the *Victoria Government Gazette*, may declare land specified in subsection (3), or a part of land specified in that subsection for the purposes of section 19(2) of what will become the act. The land that is referred to as specified land in subsection (3) of clause 15 is land of any kind that is located more than 1 kilometre from a bank of the Yarra River that is wholly within the municipal districts of designated municipal councils, including a number of metropolitan councils and Yarra Ranges Shire Council, and which is not excluded land. Our understanding is that excluded land is essentially either port land or catchment land. With the exception of port land or water catchment land, any of the land located in those relevant municipalities more than 1 kilometre from a bank of the Yarra River may be designated by the minister for the purposes of section 19(2) of the proposed act.

If one then looks at proposed section 19, that refers to land to which the Yarra strategic plan applies. It provides in proposed subsection (1) that a Yarra

strategic plan must specify the land to which it applies and that:

That land must be —

- (a) Yarra River land; and
- (b) land of any kind (other than excluded land) that is located within one kilometre of a bank of the Yarra River; and
- (c) land that the lead agency has specified under subsection (2).

Subsection (2) provides that:

The lead agency may specify part or all of the land declared by notice under section 15(1) as land to which the Yarra Strategic Plan applies.

So you have to merge those two sets of provisions together to work out exactly what is covered, and it does seem that the bill will give the planning minister the power to specify as coming under the Yarra strategic plan land located more than 1 kilometre from the bank of the Yarra River within the various specified municipalities. That then opens up the question, 'Well, if it's more than 1 kilometre, how far is it going to reach, what sort of land is it going to cover and what sorts of restrictions may directly or indirectly be applied to land which is covered?', bearing in mind of course that the land that can be covered is privately owned land as well as public land.

When you boil all that down, a major area of concern is the extent to which land may be designated that lies some distance from the Yarra River, land that may be used for farming purposes in particular or indeed for a range of other private purposes, be they residential or business, and that as part of the Yarra strategic plan there may be objectives set in that plan that would seek to restrict what could be done with that land. For example, could there be an objective or a principle or other measure specified in the Yarra strategic plan that specifies that there should be no broiler farms within the land covered by the Yarra strategic plan, or that there could be no manufacturing, or that there could be no use of any genetically modified crop? Could there be limitations on the use of fertiliser or on the intensity of cropping or livestock?

These are all issues that need to be resolved in the view of the opposition, because unless they are resolved satisfactorily they have the potential for very far-reaching consequences that could impact on ordinary Victorians, be they engaged in farming or manufacturing or some other form of business, or indeed in their homes, in ways that they have no knowledge of. In other words, we think it is appropriate

that the powers that are created under the Yarra strategic plan and the implications that that plan can have are ones that need to be known and that they also should be ones that are appropriate to the objectives of protecting the Yarra and its environments, which are of course objectives that we on this side of the house support. But we need to make sure that those provisions do not go too far and do not have unintended consequences or grant unintended powers. We think it would probably not be satisfactory for the government simply to say, 'Trust us in relation to that. We promise we'll exercise these powers responsibly', because these are powers, depending on exactly how extensively they can operate, that could have very far-reaching implications for many Victorians.

We do understand that a plan such as the Yarra strategic plan needs to fit within a framework of other planning documents and that it can set objectives or principles which then need to be translated into specific provisions of planning schemes. However, that does not totally resolve the concern, because if there are high-level objectives set in a document such as the Yarra strategic plan that will directly limit what can be included in a planning scheme, they will also potentially influence the way that a planning scheme is interpreted and the way discretions that are conferred under a planning scheme are to be exercised, because those discretions need to be exercised in a way that is consistent with objectives such as those set out in the Yarra strategic plan.

These are matters that cause concern to the opposition. We would like to get them resolved satisfactorily so this bill can go forward and can be put in place to achieve its objectives of protecting the Yarra as an integrated whole and involving traditional owners and custodians in having a say in that process. But we do need to make sure that we get that right because we do not want this bill to have unintended consequences, and we do, as I indicated earlier, always need to make sure in examining bills brought in by the government that there is real substance behind the fanfare and the flurry with which they are announced. We need to make sure that there is real substance in them and that that substance has been well thought through and will work effectively to achieve the objectives of the bill.

Ms HUTCHINS (Minister for Aboriginal Affairs) — It is with great honour that I rise to speak to the first bill that has been before this house with a traditional owners name to it, the Yarra River Protection (Wilip-gin Birrarung murrong) Bill 2017. I would like to begin by paying my respects to the elders past and present of the Kulin nation, the traditional owners of the lands, the Wurundjeri, and to thank the

elders who participated on 22 June and walked onto the floor of the Parliament. I was really quite taken aback with emotion. You could have heard a pin drop in the place that day to hear the words from Aunty Alice Kolasa, Aunty Gail Smith, Uncle Colin Hunter, Jr, Ron Jones, Allan Wandin and Jacqui Wandin. I thank them for their contribution and for their words in traditional language, and also for their heartfelt support for this bill, the Yarra River Protection Bill, which is history in the making.

We know it is history in the making because it is the first time that Victoria has had a bill to protect such an important living asset. It encapsulates the role, the voice and the language of our traditional owners here in Victoria. It gives the traditional owners a say in the way forward on how we plan and manage the Yarra River and its lands. This is now being enshrined in law. It is also a landmark bill because it is the first time in Australia that a river, and the many hundreds of parcels of public land which it is situated along, is being recognised as one living and integrated entity, and is attracting both protection and planned improvements.

I want to touch on the special relationship that Aboriginal Victorians have with the river. Two years ago I had the absolute honour of being with an elder and doing a walk along the Yarra River talk about the history to learn more about the culture. I can tell you now that the relationship with the land and the river extends back tens of thousands of years to when the creator spirit Bunjil formed the people, the land and all living things along the Yarra River.

For people's knowledge there is actually a teacher's resource available that explains Aboriginal creation and the story of the Yarra River — it is certainly readily available. The Yarra City Council, in conjunction with the Wurundjeri tribe, have developed a teacher's resource for the subject of history in line with the Australian and Victorian cross-curriculum standards.

The Yarra City Council kept the focus as local as possible when putting together that curriculum to really increase the learning of the history and students' connection to local Aboriginal places, histories, cultures and peoples through the classroom. That is available as an online resource for any Victorian that wants to learn more about the Wurundjeri connection to land and to the Yarra.

The Wurundjeri commitment to land is underpinned by cultural and spiritual values that are vastly different to those of ours and of European settlers. The Wurundjeri did not own the land in the European sense of the word; those that belonged to the land were owned by the land.

They did not live in permanent settlement but rather camped for periods within defined clan boundaries where food was plentiful, moving along when the land needed to regenerate. In doing the walk along the river with the elder a few years ago, I had all the food sources pointed out to me, believe it or not, that still exist along the Yarra — traditional food sources that we take for granted.

The Wurundjeri not only utilised the land for food and the river for water but also used them for the establishment and resourcing of very important medicines. The moment Europeans arrived and settled in the area, the way of life along the Yarra, and the relationships of the Wurundjeri and other local Aboriginal people in the area, significantly changed forever. Many clans were forced to leave the area. For at least some of these settlers the underlying drive was an imperial belief in British superiority over the traditional culture, heritage and history of the Wurundjeri connection with the Yarra, particularly along the parts that we know now as Southbank and all the way to the MCG.

Despite the effects of colonisation, Aboriginal peoples and cultures survived, and the strong bonds between families and clans could not be broken. This bill is an extremely important part of recognising that connection to the land, and re-establishing the boundaries and the opportunities for many Aboriginal people — people who are connected to their ancestors that were originally part of the land, back before European settlement — to be able to be part of the ongoing decision-making. That is what this bill does: it provides for the declaration of the Yarra River and certain public lands in its vicinities to be protected as one living natural entity.

This bill also requires the involvement, inclusion and community participation of traditional owners in the planning processes. It also provides for the development and implementation of a Yarra strategic plan as an overarching policy and planning framework for the Yarra River.

I want to acknowledge the great work that is done by the Yarra riverkeepers, who do a fantastic job of both promoting the beautiful natural resource that the Yarra is in all its parts, but also for being an advocate group out there fighting for the protection against inappropriate developments and the protection of the waterways so that they are clean and accessible for everyone to enjoy.

The bill also provides for the declaration of the Greater Yarra Urban Park Lands, another extremely important

part of the bill. This bill is so important because the Yarra is the bloodline through our city. We are legislating for the first time for a single-led agency to develop and coordinate the Yarra strategic plan. We are giving the Yarra a voice and the traditional owners a seat at the table by appointing an independent Birrarung Council to oversee the development and the implementation of the strategic plan.

It has been noted that the Wurundjeri will be represented on that committee. In the event there are other Aboriginal groups that are deemed by the Victorian Heritage Council to have registered Aboriginal party status in the near future, there is a seat reserved at the table for those traditional groups to be involved. Of course I talk in the main about the groups associated with the Bunurong and their traditional languages, cultures and traditions. That is a decision yet to be considered in full by the Victorian Aboriginal Heritage Council. The Minister for Planning, in his second-reading speech, said that the council that is being formed through the river protection bill itself will have a seat at the table for further groups as they are recognised.

We are changing history by the naming of this bill and the absolutely historic day on 22 June when elders came into this chamber and spoke in traditional language on the floor. This is not just about setting history from now but setting up for the future, for future generations to enjoy the rich resources that the Yarra provides in terms of environment, in terms of culture and in terms of supporting the wildlife that will benefit. The bill will also ensure that our traditional owners have a voice as an ongoing, independent, recognised organisation of traditional owners involved, along with environmental and agricultural representatives and community groups, in continuing to protect the beautiful Yarra River.

Mr D. O'BRIEN (Gippsland South) — I am pleased to rise to speak on the Yarra River Protection (Wilip-gin Birrarung murrong) Bill 2017; apologies if I have got the pronunciation wrong. It is an interesting bill and one that I must say I am pleased for a number of reasons we are bringing forward, but not necessarily the ones that others will be talking about.

The protection of rivers has been a critical issue in public debate in the last few years, and I had some intimate involvement with it in my prior life as the CEO of the National Irrigators Council for a period and dealing in particular with the Murray-Darling Basin plan. I was there from 2009 to 2011. Here we are in 2017 and that plan is still being debated, and I suspect it will be for quite some time yet. However, I was

bemused at the time when there was significant pressure from green groups and the Labor minister at the time, and indeed from the coalition as well, about the Murray-Darling Basin plan introduced by the Howard government initially and the commonwealth Water Act 2007, which was produced by the current Prime Minister. There was a lot of focus on the need for end-of-system flows for the health of the environment in the Murray-Darling. Given the size of the Murray-Darling, that caused considerable concern right throughout the upper catchment down to the barrages in the lower lakes.

But in looking at the challenges faced by the Murray-Darling and the desire of particularly the environmental groups and the government at the time to ensure that we had good environmental end-of-system flows I looked around at some of our city rivers. Of course Sydney does not really have one — the Tank Stream is one that has been mentioned as an original water source for the original colony in 1788. There is the Brisbane River, the Torrens River in Adelaide and of course here in Melbourne the Yarra River. I could not find a single reference anywhere about a desire for end-of-system flows in any of those major urban rivers. I found it deeply hypocritical that so many in the urban communities wanted to see a particular level of end-of-system flows delivered for the Murray-Darling, which many of them had no connection with, and yet there was no such thing for the urban rivers that have people living around them.

I used to say to some of my members, 'Why is there not a greater focus on the overland flows, the flooding arrangements, wetland watering and environmental flows in the Yarra River?'. The answer was, 'Because there are 4 million people living around there'. It was very frustrating to me that that was the case with respect to the urban rivers. We clearly cannot have flood plains and the health of the river as it was prior to European settlement, prior to dams and things being put on these rivers, and then have them regulated because there is now housing, there are now suburbs, there are people living around them. Yet the same thing was being proposed for those areas of the Murray-Darling Basin.

I remember particularly at one stage there was a proposed flow for a 1-in-10-year flood for watering on the Goulburn River. It was exactly the same level of flow that had occurred during a flood only a few months earlier that had taken out bridges and caused a couple of million dollars worth of damage in the City of Greater Shepparton. I did find that quite hypocritical on the part of many of the groups involved. That is why, coming back to this piece of legislation, I am pleased indeed that there is protection. I appreciate that this bill

is more about the protection of the land around it and not necessarily about environmental flows, but it is good to see that there is attention being given to this.

At the same time I find it a little bemusing that we have a bill, an act, for Yarra River protection. I am not aware that there is one for the Thompson River, the Macalister River, the Wimmera River or the Glenelg River — any of those rivers in country areas. Again I understand the reason for that is because of development and because of the urban sprawl around the Yarra. The reason for this bill is to ensure that the environment is protected and the heritage of the Yarra is protected.

I am not one for symbolism but I do agree with the minister at the table, the Minister for Aboriginal Affairs, that it was a great experience having the Wurundjeri elders here when the bill was second read and that the coalition agreed to their presence on the floor of the chamber as an addendum to the second-reading process of the bill. I think that was good in acknowledging the Indigenous traditional owners of the region. I did hear the minister refer to potential additional registered Aboriginal parties coming on board in future, but I understand that the Bunurong people have not been consulted with respect to this legislation, and that is a concern.

The member for Box Hill has outlined a number of other concerns with respect to the bill which I guess will be seen in the working of it in effect with respect to development and with respect to agriculture in the catchment, because there is the potential for the entire catchment — which includes of course a number of tributaries and therefore takes in a number of other areas of land — to be caught up in the legislation. I hope this legislation does not unnecessarily deliver further red tape and impediments to development around the Yarra because, as I said, there are 4 million people living there and they need to be fed, they need to be accommodated and there needs to be the infrastructure that goes with a city of that size.

The bill itself will attempt to provide recognition of the significance of the Yarra and its parklands to the identity, economy, sustainability and visibility of Melbourne and Victoria. As a regional Victorian, I would submit that country people come to Melbourne far more often than city people go to the country. Many of us, even if we do not like the city, love Melbourne. We love its parklands and we love the Yarra River. I can remember as a young kid coming to visit older brothers and sisters living in Melbourne, in Hawthorn at the time, as students and in their first jobs. They would not be able to afford to live in Hawthorn anymore, but back in those days visits down to Studley Park

Boathouse and rowing on the river were great things to do. Later in life I remember enjoying the Yarra around the Swan Street bridge and taking rides on our bikes along the length of the river through Abbotsford, Hawthorn and the city.

It is a magnificent part of our heritage and identity. Indeed it is a river that for many decades the city turned its back on. It was a dumping ground for a very long time. Development of the Southgate precinct and more recently the Southbank precinct in the early 1990s and 2000s changed that. Particularly with Crown Casino and the other facilities that we now have on the south side of the river, the city has turned back to the Yarra. That is a good thing because water is a critical element for any city around the world — not just for the obvious reasons but also for aesthetic and environmental reasons. The Yarra, affectionately perhaps known as the only city in the world with its river's bottom on its top — perhaps not so affectionately in the past — is a critical part of our city.

I do hope that this legislation provides the protection it intends to and that it makes sure it addresses inappropriate development but that it does not become an impediment on the growth of the city and the provision of the needs of the city. With those few words, as the member for Box Hill said, we are not opposing the bill on this side, but we do highlight a few of those issues of concern and hope that through either subsequent speakers here or in the other place some of the concerns that have been raised will be addressed.

Mr J. BULL (Sunbury) — I am also very pleased to have the opportunity to speak on the Yarra River Protection (Wilip-gin Birrarung murrong) Bill 2017. This is a very important bill for a number of reasons.

Before I go to the bill, I just want to commend the Minister for Aboriginal Affairs, who is at the table, for her hard work and her dedication to working on that treaty with Aboriginal Victorians, because we know that true reconciliation with the nation's first peoples is essential if we are to close the gap. I also want to put on the record how pleasing it was to see Mick Harding become the first Aboriginal person in history to address cabinet and provide an update on that treaty process. Members of this place will recall a very special moment prior to the winter break when this house, led by the minister, joined with Wurundjeri elders on the floor to introduce the Yarra River Protection (Wilip-gin Birrarung murrong) Bill 2017.

We have heard this afternoon about the importance and significance of the Yarra River and the very special regard in which it is held in this state and of course,

importantly, as part of our first peoples' rich history. It has a celebrated history, and we are giving this river a safe and secure future through this bill. In an Australian first, this bill identifies the Yarra River and the many hundreds of parcels of public land it flows through as one living, integrated natural identity for protection and improvement. We have certainly heard a number of speakers discuss the importance of the Yarra River. Indeed we are very fortunate in this state to have many fantastic waterways right across the state that people visit both throughout the week and during weekends for leisure and a whole range of activities.

The Yarra River Protection (Wilip-gin Birrarung murrn) Bill combines the 'caring for country' wisdom of the traditional owners with the most modern river management expertise. For the first time in history, as we know, this bill is co-titled, and part of its preamble is written in the Woi-wurrung language, ensuring traditional owners have a permanent voice in the governance and protection of the river.

I did take note of a recent article in the *Guardian* of 20 July 2017, which reported on a groundbreaking archaeological discovery in Australia's north that has extended the known length of time Aboriginal people have inhabited the continent to at least 65 000 years. The article states:

The findings on about 11 000 artefacts from Kakadu National Park, published on Thursday in the journal *Nature*, prove Indigenous people have been in Australia for far longer than the much-contested estimates of between 47 000 and 60 000 years, the researchers said. Some of the artefacts were potentially as old as 80 000 years.

Archaeologists found artefacts in a cave on Western Australia's Barrow Island dating back more than 50 000 years, providing one of the earliest age brackets for the settlement of Australia. The article goes on to talk about new research that dates Indigenous inhabitation back to what we are essentially talking about — 65 000 years ago — which is a staggering discovery. It quotes Associate Professor Chris Clarkson from the University of Queensland as saying:

People got here much earlier than we thought, which means of course they must also have left Africa much earlier to have travelled on their long journey through Asia and South-East Asia to Australia.

If we just step back for a moment and try to comprehend those sorts of time periods, it is staggering to think what a connection the Indigenous people have with this land. I think as we go on and make these discoveries this only reinforces the importance of the treaty, of recognition and of understanding just how important our Indigenous people are. As I have said,

this is an incredible discovery, and it is that connection to land that is so important.

I am extremely proud to be part of a government that has brought this bill to the house, and I commend both the Minister for Planning and the Minister for Aboriginal Affairs on their hard work. The main purposes of the bill, which will form a new principal act, are to provide for the declaration of the Yarra River and certain public land in its vicinity as one living and integrated natural entity and to provide for the development and implementation of a Yarra strategic plan as an overarching policy. Obviously through the course of the Yarra there are a number of parcels of land and a number of authorities responsible for their governance and care, and this bill in essence works to tie those together and bring one plan to the table to be able to provide a holistic approach to governance and better management of the Yarra River.

We are very fortunate, as I mentioned, to have the Yarra and to have the other rivers, creeks and lakes and of course Port Phillip Bay in this state. Unfortunately what we do see in other areas, through poorly managed development and malpractice, is effectively environmental degradation of those areas. What this bill does is aim to prevent that occurring and take what is a very important river which is well managed and well cared for to the next level. The Yarra River and its parkland are a significant state asset, as I have mentioned. The river gives our city life. It provides more than 70 per cent of our drinking water, and it is fundamental to many activities.

This bill comes on the back of the ministerial advisory committee which provided advice that the community believes we can do more to protect the Yarra and its lands and that the governance arrangements around the way we manage the river need to be strengthened. The bill applies to the full length of the river. It includes the port of Melbourne and the catchment area upstream of the Upper Yarra Reservoir. Crown land and freehold land owned by public entities within 500 metres of the Yarra's riverbanks are known as the Yarra River land, and this will be declared by the Governor in Council. This bill will require the commissioner to report under the act on the condition of the Yarra River land as part of the periodical report on the state of the environment of Victoria. Fundamentally it is a strategic plan that essentially will be a key component of this management process.

Through the bill being debated this afternoon there are a number of acts which will be amended. These include the Catchment and Land Protection Act 1994, the Crown Land (Reserves) Act 1978, the Forests Act

1958, the Local Government Act 1989, the National Parks Act 1975, the Parks Victoria Act 1998, the Planning and Environment Act 1987, the Transport Integration Act 2010, the Victorian Planning Authority Act 2017 — a very important act — the Water Act 1989, the Water Industry Act 1994 and the Wildlife Act 1975. This is an important bill that will improve the management of the river by legislating for that strategic plan and effectively taking what we know is a very important body of water and making it even better.

There are a number of other provisions within the act, which I will very briefly discuss in the time that I have remaining. The plan will have a 50-year outlook. The overreaching river corridor plan will be structured around four key elements. These include the environmental health of the waterway, community use and the access and amenity of the river and its parklands. We certainly know that there is always a lot of community discussion around this — how the waterway is used, who uses the waterway and what they use it for. These are all very important not just for the Yarra but for all the waterways right across the state.

If I think about my own community, there are a number of fantastic groups that work to support the local waterways in and around Sunbury. It is certainly appropriate to thank these groups for their hard work around protecting these waterways and ensuring that they remain healthy for future use. This is consistent with the government's updated policies as reflected in *Plan Melbourne* and *Water for Victoria*, and this bill certainly falls in line with those policies.

Fundamentally, though, we must recognise and embrace the traditional owners who have lived with and known Birrarung since the beginning. We know the Yarra has fantastic parklands and green spaces that line the banks, and we need to protect and enhance these through a coordinated plan. We know that the Yarra also gives life to flora and fauna, and it is vital that the plan includes their protection. This bill provides important protections through a framework to ensure that this great river becomes an even better one, and I commend the bill to the house.

Ms SANDELL (Melbourne) — I rise to speak on the Yarra River Protection (Wilip-gin Birrarung murron) Bill 2017, which is also known as the Yarra River protection bill. I note this is a really positive step in working towards the holistic, sustainable management of the Yarra River and its environment, and I really welcome it. In particular the Greens are very supportive of the Indigenous governance arrangements provided for in this bill.

One of the things I was really sad to miss when I was on maternity leave was the second-reading speech of this bill by the Wurundjeri elders in this house. I know it was a really special and historic moment, and I am really sorry that I was not here to witness it. The Greens welcome further formal inclusion of Indigenous representatives in governance arrangements in Victoria. This must be applied across aspects of government, and it must extend beyond simply consulting Indigenous groups for their understanding. Instead it should put Indigenous stewardship front and centre.

In regard to the Yarra, or Birrarung, I want to note the extraordinary effort that has been expended over centuries by the Wurundjeri to have a formal, sanctioned role in the governance of the river and of course the ongoing stewardship of the river by Indigenous peoples. We are pleased to see this bill delivering on providing a framework that gives traditional owners a say in the management of the Yarra through the establishment of the Birrarung Council as an independent advisory body.

As has already been noted by many other speakers, this bill provides for a framework act that is an important stepping stone towards the long-term improvement in urban river governance. The planning protections it provides for the public spaces and environs of the Yarra are a really good step in ensuring the preservation of the river for future generations. Having this long-term vision — looking 50 years into the future — is really critical to this bill's success. For too long developments right down to the banks of the Yarra have destroyed the habitat of birds, animals and plants. Water quality has been impacted by stormwater run-offs, septic tanks and cattle grazing upstream, along with toxic heavy metals in the river floor. As we see mentioned in the media, the levels of *E. coli* bacteria are often through the roof. At times they have been 21 times greater than safe limits.

Added to this, though, is that one of the greatest threats to the Yarra has been confusion about who is actually responsible for it. The river runs through 12 different council regions and is under 14 different responsible public entities, as determined by 21 separate pieces of legislation. Obviously that is why we need this bill. Declaring the Yarra River land as one living entity will hopefully bypass all of this confusion, including that which relates to parcels of public land within 500 metres of the riverbank. The Greater Yarra Urban Parklands will give parklands in the vicinity of the Yarra a common identity as one natural asset of state significance, protecting them from zoning changes. We are also really glad to see that the Yarra protection principles require decision-makers to take account of

the potential impacts of climate change, which will no doubt be felt severely throughout our waterways.

We welcome the provisions in the bill which make the development of a strategic plan mandatory and binding on public authorities. What we would like to see in this strategic plan would be more quantitative targets for river health, rather than just qualitative targets that we already have in our Healthy Waterways Strategy. Threats to the Yarra, like turbidity levels, fish stock numbers, threatened species, invasive species and flow improvements, all require targets that are specific and measurable if they are to have any impact.

Over all, we think this bill is a really welcome step forward. We would really like the government to consider rolling out a similar model to other waterways across our state, specifically the Maribyrnong River and the Werribee River. We believe in a really bright future for the Yarra. The Greens would love to see a future where Melburnians can actually one day swim in the clear waters of the Yarra, including in our inner city. How wonderful would it be on a summer's day to be able to go down to the banks of the Yarra River and have a dip without fear of getting sick.

I would like to acknowledge, as the minister has done, a number of the groups who were involved in this bill, not just Wurundjeri elders and Indigenous groups but also the Yarra Riverkeeper Association, Environmental Justice Australia and all the other community and environment groups who helped make this bill a reality.

We support this bill. My colleagues in the other place will have some specific questions regarding protection of the watershed of the Yarra, but I wish the bill a speedy passage.

Mr CARBINES (Ivanhoe) — I am very pleased to make a contribution on the Yarra River Protection (Wilip-gin Birrarung murrong) Bill 2017. Can I say that as a representative of the Ivanhoe district, which of course is bounded by the Yarra and Plenty rivers and also the Darebin Creek, the Yarra River is absolutely fundamental to the sense of place that people have in the Ivanhoe electorate.

I was very pleased also to acknowledge that some of our elders who were here at Parliament when the bill was introduced and during the minister's second-reading speech are also elders who are often participants at Banyule. They are often participants in our citizenship ceremonies, and it was very pleasing to make their acquaintance again and to see them as part of the process of the second reading of the bill. From a conversation back at Banyule recently, post that

second-reading speech, I know that it was really affirming for them to be engaged in that process and to understand that there is going to be a much greater engagement around the future of the Yarra and the role that it plays not only in current times but in establishing, understanding and, as legislators, valuing its role in Indigenous culture and heritage.

Can I say also that organisations like Reconciliation Banyule in my electorate also wanted to commend the minister, the government and our Parliament on the work that has been done to bring this bill before us today. I know from my conversations with the Yarra Riverkeeper Association and other organisations that are particularly involved in advocacy for the Yarra and its tributaries in the Ivanhoe electorate and its surrounds that this is a very significant piece of work.

I have had the opportunity in the past to spend some time with the Yarra riverkeepers to see some of the more atrocious developments that we have seen approved, by Yarra council and others, along the Yarra River. What this bill provides for amongst a range of safeguards and opportunities is to have greater accountability in the way in which developments along the Yarra and also the river health are improved with the declaration of the Yarra River and certain public land as vicinities for protection. It is one living and integrated natural entity. This area that is so fundamental to Melbourne and to our state has not got some of those protections. To make those changes today is a really fundamental and absolutely critical requirement of traditional owner inclusion and community participation in our planning processes and the setting out of those principles that responsible public entities must have regard to in relation to the Yarra River land. We are going to see this bill empower local communities as well as make sure that there is greater responsibility and accountability by governments at all levels for the role and the work that they do in relation to Yarra River protection.

We have had several bills in this Parliament today, including the Environment Protection Bill 2017, updating legislation that goes back several decades, and this new bill dealing with Yarra River protection. What we are really saying here is we are trying to give effect as legislators to the community's expectations and desire to see that there are environmental protections available through the Environment Protection Authority Victoria. People in the community have an expectation and understanding that these things are being done — that the Yarra River is being protected, that its interests are being advanced, its health is being secured and its history and traditions are being maintained for future generations. There is an expectation in the community that those

things are happening. Often it is only when things are going wrong that people realise that those protections are missing. Part of what the Andrews government is trying to do here, I believe — and hopefully our Parliament — is seeking to give effect to the community's expectations in relation to the way in which we respect, maintain and advance the interests of the natural environment and in particular the Yarra River.

There were a couple of key points mentioned in the second-reading speech by the minister, and I wanted to touch on those. A particular aspect that drew my attention was the second point that the minister mentioned, which is that we are creating a framework through the Birrarung Council for the community not only to have a real say in the future use, protection and improvement of their river but also to scrutinise the actions of responsible public entities, and that is a first in Australia. I think that is the critical issue, for people who use water out of the Yarra River, people who discharge water into the Yarra River, local government and Landcare and other environmental groups that play a critical role in the work of maintaining and securing the future of the Yarra River, and those of us who, either through recreation or where we live, know that it is a fundamental part of all that we do.

People will be aware also of the redevelopment of such things as the Chandler Highway bridge across the Yarra River. While that is a significant and important project, there are also some very significant environmental and heritage matters in relation to the Yarra River that we need to account for. While that is a very welcome project that the Andrews government is delivering, what is also critical, as we have found in that process, is that there are federal environmental protections that we are dealing with in relation to the Yarra. There are local and state regulations that we are also dealing with. What is critical here is that the Yarra River protection bill provide an opportunity to bring together and coordinate the work that those authorities need to do. The opportunity that this bill provides is really to coordinate the work of our authorities and to understand and give effect to the community's expectations of how the Yarra River needs to be protected and managed into the future.

Can I say also that our government across a range of public policy areas — through *Water for Victoria*, through our work with the Environment Protection Authority Bill 2017 and also through the Yarra River protection bill — is giving a greater say, both in our public policy decisions and in our legislation, to the traditional owners of the land and ensuring that we are giving effect to cultural water rights in the way we

distribute water under the *Water for Victoria* policy and the way the Water Act 1989 has been reviewed.

We are providing those protections and engagement here at the table in relation to the Yarra River protection bill. The work that the Minister for Aboriginal Affairs is engaged in and certainly the whole-of-government approach that we are all taking ensure that central to every piece of legislation our government brings before this place — whether it is to do with water policy, and the Yarra River in particular, planning or the environment — has embedded in it, across the whole of government, a desire to assure our traditional owners that Indigenous people's rights, concerns and priorities are embedded in the legislation. I think that we have made sure that that is an integral part of every piece of legislation that we consider in this place and that we have given serious and significant effect to it.

The Yarra River protection bill goes a long way to meeting the aspirations and needs of many in our community who have an expectation that the Yarra River will be protected and that its interests will be advanced, and it will be incumbent upon all of us once this bill, I expect, passes the Parliament and once we have coordinated and pulled together the legislation to give effect to our community's expectations. It will then be on the Birrarung Council and others to make sure we give effect to that in practice. That will be the challenge, but we have set that challenge for ourselves. This is an excellent start. It brings together so many desires, concerns and competing pressures in our community to secure the Yarra's future. As the member for Melbourne touched on, this could take us to other waterways and tributaries. I think that is a reasonable concept. The iconic Yarra River in the first instance has brought people together to make this work and to set the standard we can perhaps bring to other iconic natural environments across Victoria. I commend the bill to the house.

Ms VICTORIA (Bayswater) — I begin by acknowledging the traditional custodians of the land on which we are meeting here in the Parliament of Victoria. I acknowledge all elders past, present but also emerging, and I say emerging because I had the recent great experience of being out at Heathmont College, where there are six very proud young Koori kids, some of whom are school leaders. One of them is a school leader and the others are taking up leadership positions. They have been working with EACH, Eastern Access Community Health, in a program about learning about themselves, their past, their culture, their traditions and their history, and I was very proud as shadow Minister for Aboriginal Affairs to stand with them last Friday as they raised the Aboriginal flag on site for the first time.

EACH provided funding to have a second flagpole put in, and now alongside the Australian flag hangs the Aboriginal flag. Heathmont College under the guidance of principal Johanna Walker is doing some amazing things, right across the curriculum, but certainly for their young Indigenous kids. They are really very proud to embrace their culture and background but also to spread that further and make sure that the other students within the school and the wider community have an understanding of these young people.

I am speaking today on the Yarra River Protection (Wilip-gin Birrarung murrong) Bill 2017. Some of the intentions in this bill have some great merit. In fact some of the things in the bill have so much merit that they were in fact put in place back in 2012 under my esteemed friend and colleague who sits by me, the member for Warrandyte, when he was the Minister for Environment and Climate Change, so I am sure that in his contribution he will talk much further on that. We did in fact put a strategic plan in place quite a few years ago, so as I say, some of this has merit — it is not new — but it does have merit, and in that case I do support those components of the bill. But we led the way, as I said, with protecting the Yarra Basin.

Having a body to advise on the strategic plan around this is good, but I will return in a moment to its composition. We do want the river improved, and standardised controls will help in the effort to do that, but there are a couple of flaws, as I see them. I noticed that the minister, who is at the table — and I acknowledge some of the work she has been doing — talked about seats. I will talk about the composition of the council in a moment. She talked about seats being reserved at the table for other groups, not just the Wurundjeri. When we have celebrations in this very place we always acknowledge all the people of the Kulin nation, the Wurundjeri and the Bunurong especially for this area, and I will come back to this in a moment. The balance of the representative Birrarung Council is in my mind then a little bit questionable. Indigenous representatives only take up two of the 12 spots, and again, they are specifically laid out in this bill as belonging to the Wurundjeri. So I will come back to that.

The bill also does not clearly outline the areas covered by the legislation on how decisions will be made when you need a balancing act between competing land users. So there is a little bit of a gap there for me. As I said, the bill is good in its intentions, but like so many things it is not quite there. We may well have to go back when we are in government next year and make some amendments. The biggest flaw for me is the fact that the Bunurong people are not acknowledged in this.

The Birrarung, which of course we know is the Yarra River, was certainly extremely important to the Wurundjeri, but it was just as important to the Bunurong. Whilst boundaries of the tribes were very fluid, there is no doubt that the Bunurong crossed and used the Birrarung constantly. In many cases it was actually used as a boundary, but the Wurundjeri have a voice at the table and the Bunurong do not. Let me read directly from the legislation, clause 49, 'Constitution and membership of the Council', which states:

- (1) The Council consists of not more than 12 members appointed by the minister, of whom—
 - (a) at least 2 members must be nominees of the Wurundjeri Tribe Land and Compensation Cultural Heritage Council Inc. A0005530A; and
 - (b) at least one member must be a representative of an environment group; and
 - (c) at least one member must be a representative of an agriculture industry group; and
 - (d) at least 2 members must be skill-based members as specified in subsection (2); and
 - (e) at least one member must be a representative of a Yarra River land local community group; and
 - (f) one member is the chairperson.

Again there is no mention of the Bunurong. I am really pleased that the Wurundjeri do have those guaranteed places, but all I can see is that we are going to have to amend this to make room for other parties that should actually have the right to be there.

It was interesting to hear that when Aunty Alice Kolasa spoke so beautifully in this place, the only time she referred to the Wurundjeri was in the welcome to country. From that point on she referred to the Woi-wurrung, and of course the Woi-wurrung is the name of the language that was spoken by the groups at that time, and it was spoken across most of the Kulin nation, which was previously known as the tribes of the Woi-wurrung, and of course that includes the Bunurong. So if, for example, we were on the border of New South Wales and Victoria and we said that this discussion was about the Murray River, it would be like saying the Murray River was only relevant to the people in New South Wales. Well, we know that that is not right, and in that case only people on the New South Wales side would have the opportunity to make rules about what happens on the river that flows clearly between the two groups.

Again I am talking about the inequity here. We need to make sure that all parties have a say. What is more, the traditional ownership of the section of the Birrarung

between Dights Falls and Port Phillip Bay is actually contested. The Bunurong Land Council Aboriginal Corporation has had their application deferred. It is anticipated that it might be another six months before this impasse is resolved. As I said, there are some flaws in the composition of the council.

The other thing that I think requires some clarification is that the bill does not clearly outline the area that is covered by the legislation and how decisions will balance the interests of competing land users. It suggests there are 800-odd parcels of Crown land, but that could include any parcels that contribute to drainage, including all of the tributaries. If we have a look at the map of the area this takes in, I think it creates massive uncertainty, and it could destroy agriculture and certainly tourism if this is taken the wrong way. How this is interpreted depends on the composition of the council.

As I said, the previous coalition government certainly led the way in protecting the Yarra basin. We implemented planning controls to improve the protection of the Yarra, we went to the election with the commitment to improve the protection of the Yarra basin, and our desire to protect that area has not wavered in any way at all. An integrated Yarra strategic plan for the river and surrounding public land is logical. Others have spoken about inappropriate planning. I think we only need to go back and have a look at the government that that happened under and say, 'Hopefully, this government has learned from it and hopefully some of this will stop some of those sorts of tragedies and travesties from happening'.

I want to say that there are certainly some very good parts to this bill. I will just read from the preamble that Aunty Alice and others delivered:

We, the Woi-wurrung, the First People, and the Birrarung, belong to this Country. This Country, and the Birrarung are part of us.

The Birrarung is alive, has a heart, a spirit and is part of our Dreaming. We have lived with and known the Birrarung since the beginning. We will always know the Birrarung.

Bunjil, the great Eagle, the creator spirit, made the land, the sky, the sea, the rivers, flora and fauna, the lore. He made Kulin from the earth. Bunjil gave Waa, the crow, the responsibility of Protector. Bunjil's brother, Palliyang, the Bat, created Bagarook, women, from the water.

Since our beginning it has been known that we have an obligation to keep the Birrarung alive and healthy — for all generations to come.

It is really important for all Victorians to understand this story. It gives us an understanding of Indigenous culture. As we have seen at Heathmont College, when

it is not just the young Indigenous people but also those around them that get to know the story, the history, the background, there is so much tolerance, understanding and inclusiveness. I certainly think, as I said, there are some good things in this bill.

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) — I rise to acknowledge the traditional owners of the land on which we are meeting today — that is, the Wurundjeri people of the Kulin nations. I pay my respects to elders, past, present and emerging, acknowledging this milestone legislation we have in front of us today.

The Yarra River Protection (Wilip-gin Birrarung murrn) Bill 2017 is the first bill in Victoria to recognise the traditional owners of country by using their language for the title of the bill, as well as being one of the first bills in Australia to include traditional owner language in the body of the bill. 'Wilip-gin Birrarung murrn' is Woi-wurrung for 'keep the Yarra — that is, the Birrarung — alive'. The Woi-wurrung people are the recognised traditional owners for the majority of the country through which the Yarra River flows. The inclusion of the Woi-wurrung translation in the title of the bill not only reflects this government's recognition of their custodianship but represents the ongoing role the Woi-wurrung people will have in the governance of the Yarra as members on the new Birrarung Council. This is an extremely important step forward in recognising language, culture and country. This is a landmark bill. It is the first in Victoria to explicitly recognise the traditional owners as the custodians of country, a step forward that I certainly warmly welcome.

A key element of this bill is recognition. The bill recognises the importance of the Yarra River and its parklands and associated public places to the economic prosperity, vitality and livability of Melbourne, of course, and the Yarra Valley. This includes the recognition of the ecological, health, cultural, social, environmental and amenity values of the Yarra River and the landscape in which the river is situated and the environmental significance of the biodiversity corridor along the Yarra River. This iconic waterway is central to Melbourne's character and identity. It is one of our greatest assets and one of the most heavily used waterways in Victoria. It provides 70 per cent of our drinking water. It is home to the port of Melbourne. Along it are 2450 hectares of Melbourne parklands and green open spaces. As well as providing important recreational and drinking water to the people of Melbourne, this area is of extraordinary environmental value. Over one-third of Victoria's animal species call this area home. They include 190 bird species;

38 mammal species, including gliders, bandicoots and the much-loved platypus; and 16 reptile species such as skinks, turtles, snakes and lizards. For all these reasons and more we need to act now to protect the Yarra.

We are recognising the Crown land and freehold land owned by the state that is adjacent to the Yarra River and to which members of the public have access for recreational purposes as part of the one integrated, living, natural entity with the Yarra River. The bill also establishes an overarching planning framework to coordinate and harmonise planning for the use, development and protection of the river, its parklands and other land in its vicinity. It does this by providing for the development, with community participation, of a Yarra strategic plan. This is a very important element of this bill. It is about a community vision for the Yarra River. It is about a framework containing detailed planning that provides a broad direction for the future land uses, development opportunities and areas for recreation and protection of land along different sections of the river or within specific areas.

It is also about providing for a public entity with appropriate powers and functions to coordinate the implementation of the Yarra strategic plan. It will provide for principles to which responsible public entities — and we know there are many when it comes to the Yarra River — must have regard in performing functions or duties or exercising their powers in relation to Yarra River land or which may impact on Yarra River land. Alongside this the bill establishes an independent body, the Birrarung Council, that will act as a voice for the river and provide advice to the minister on the implementation and effectiveness of the Yarra strategic plan. This is the centrepiece of this bill.

We are ensuring as a government that the traditional owners have a real say in the way that we manage the river and its lands. This has been enshrined in the law as well as in policy, and I am really very pleased and proud to see that our government is marking, for the first time in Australia, the recognition of a river with many hundreds of parcels of public land as one living and integrated entity for improvement and protection. It is great to see this bill integrating the wisdom of traditional owners and caring for country.

The Yarra River (Wilip-gin Birrarung murrion) Bill amends the Commissioner for Environmental Sustainability Act 2003 to require the commissioner to report under that act on the condition of Yarra River land as part of the periodical report on the state of the environment of Victoria. The bill also amends further acts under which responsible public entities operate to require them to have regard to the new Yarra strategic

plan and to not act inconsistently with any part of that plan relating to the river. That is important for us to ensure that this is binding. These are important amendments to ensure that the checks and balances are met to keep this important living entity alive and thriving.

The bill also has essential long-term impacts, including connecting a network of parklands, green spaces and water spaces to be called the Greater Yarra Urban Parklands. Through the Yarra strategic plan there will be a clear strategy to protect the river, new planning controls, an ongoing management regime and framework plans to guide development and other activities along the river course. There will be annual auditing of public entities' implementation of the Yarra strategic plan by the Birrarung Council. The bill will also cater for the comprehensive recognition of traditional owner cultural values of the river resulting from a cultural mapping project associated with the Yarra strategic plan.

Further, subject to future funding, landscape restoration projects and community infrastructure works, including pathways and bridges, for example, will be a key focus. A crucial element in this legislation will be to ensure the protection of the river, and that is really the principle behind the Yarra strategic plan: to protect the river. It will give effect to the community's vision for the Yarra and its landscape, providing an overarching spatial and management context for localised planning along the river corridor.

As an overarching river corridor plan the Yarra strategic plan will recognise and set the direction for four key elements: one, the environmental health of the waterway and riparian lands, including of course the biodiversity corridor; two, community use, access and amenity of the river and its parklands; three, the landscape setting and interface of the river corridor with adjacent land uses; and four, cultural and heritage values in the riverscape. The Yarra strategic plan will harmonise the many existing plans, regulations and investment programs alongside identifying priority actions and providing an overarching, strategic, whole-of-river-corridor context for the localised planning of places along the river.

The bill recognises the Yarra as an integral part of our identity and crucial to Melbourne's sustainability and livability. But we know of course that the bill goes further. We are ensuring the Yarra's protection, and we are doing this with the meaningful inclusion of traditional owners who have known the Birrarung since its very beginning. I commend this bill to the house.

Mr R. SMITH (Warrandyte) — I rise to join the debate on the Yarra River (Wilip-gin Birrarung murrn) Bill 2017. It was interesting to hear the Minister for Planning introduce this. There were a lot of grandiose statements. To listen to him you would think that no-one had ever thought about protecting the Yarra before. Certainly that may well have been the case under the Bracks and Brumby governments. When I was first elected, in fact first preselected, one of the biggest issues in my electorate, which obviously is bordered by the Yarra River, was the extremely high levels of E. coli. That situation was of such extreme concern to the local community that it was one of the first issues brought to me when I was first elected. We had to do a lot of work to ensure that those bacteria levels were brought down.

There were no protections for the Yarra under the Bracks and Brumby governments, and in fact under John Brumby as Premier there was a high-density development on the banks of the Yarra around the Victoria Gardens area. I think it is quite ironic that we have the Minister for Planning coming in and making all these grandiose statements about protecting the Yarra when he was and still is the member for the area where this high-density development was actually approved by then planning minister, Justin Madden.

In fact it came to a head for me to understand the importance of stopping that sort of development, the sort of development that the former Labor government allowed, when I went out on a boat with Ian Penrose from the Yarra Riverkeeper Association and looked at that particular development from the river's point of view. I got a great understanding of how intrusive that development was. So as I say, it is very interesting to hear now some years later the Minister for Planning saying that the Yarra needs protection against development of that sort when he was complicit in the development that is there at the moment being done in the first place.

It is timely to give the house a little bit of a history lesson on the actions that the former coalition government took to protect the Yarra and its environs from both a planning and an environmental protection point of view. As I said, the protections that were put in place over the four years of the coalition government actually did a lot to make sure that development was kept at bay and that the environmental protections were ones that were important for the future of the Yarra.

Back in October 2012 the then Minister for Planning, now the Leader of the Opposition, introduced VC96, which was gazetted. This particular amendment changed the Victoria planning provisions and all

planning schemes in Victoria, updating the state planning policy framework to protect and enhance the significant river corridors of metropolitan Melbourne. The amendment also strengthened the planning provisions along the Yarra River corridor in the City of Boroondara.

I might also mention this particular planning amendment sought to put protections around the Maribyrnong River, the other important river of Melbourne and one that has been forgotten by this government. But it is important that this house realises that the Maribyrnong River is of equal importance to the city as the Yarra River.

Mr Wynne interjected.

Mr R. SMITH — Well, don't wait. You could have done it with this one. In September 2013 the now Leader of the Opposition, as planning minister, delivered further planning controls along the Yarra River between Burke Road in Ivanhoe and my electorate of Warrandyte, and on 14 July he went on to release the draft Middle Yarra recommendations report.

This particular report applied the principles set out in the Yarra River corridor Punt Road to Burke Road report that had been sitting on Labor's desk since 2005. It is a report which the governments of the day, the Bracks and Brumby governments, did nothing with. It was only the now Leader of the Opposition as the planning minister who actually applied the principles of that particular report to the draft report, and it was some years later, after the current government took office, before there was any reference to this particular report and to the provisions put forward by the then planning minister with the Middle Yarra River recommendations report. So planning provisions that protect the Yarra have been in place or were certainly in process over the four years of the coalition government, and it is good to see, albeit three years after this government took office, that this government is finally picking up the view that the Yarra does need protecting.

From an environmental point of view we certainly were able to do a lot with regard to understanding the protections that were needed for the Yarra River, in terms of pollution, in terms of litter around the area and in terms of putting the sort of vegetation in place that needed to be put in place to protect the banks of the Yarra.

In October 2012 we launched the policy document *A Cleaner Yarra River and Port Phillip Bay: A Plan of Action*. This outlined four actions, the first being a

much clearer management structure. The minister at the table in his second-reading speech said this bill is:

... a landmark bill because it establishes a holistic approach to the management of this iconic river ...

Well, that was already done back in October 2012. In October 2012 as minister I brought together all the agencies and departments that had carriage of various aspects of the Yarra River — the Port Phillip and Westernport Catchment Management Authority, the Environment Protection Authority (EPA), Parks Victoria, the department itself and the various local councils — and included in that particular task force there were representatives from the Yarra Riverkeeper Association and the Dolphin Research Institute.

The principal aim of that task force was to ensure that with any action that was taken — any part of the \$1 billion that was budgeted for use over the coming four or five years — the principal spend was done in coordination with other agencies to ensure that the health of the Yarra River was the principal priority of that spend. That task force was in place. It met quarterly over the period from 2012 through to the end of the term of the government. My understanding is that the then environment minister scrapped that task force. Three years later they come in and try to pretend that this landmark bill puts in a task force to look after the health of the Yarra. The fact of the matter is that that was already done some five years ago.

The second part of the action plan that we put forward was to prevent pollution. We reviewed the guidelines and the management of urban stormwater. One of my proudest achievements around the Yarra was to put an agreement in place with Mobil Oil, which was the last major company or last major industry to be dumping wastewater into the Yarra. They were doing so under licence from the EPA and did conform to the various aspects of that licence. However, it was a bad look and I think that they no longer had the social licence to do it, so we were able to come to an agreement where they made some significant investments to make sure that wastewater did not continue to be pumped into the Yarra. I think that was a very important outcome, and it showed that government can work with business to get some very good environmental outcomes.

The minister also talks about this bill being a landmark bill in establishing unprecedented standards for public transparency and accountability with multiple checks and balances. Again, according to the action plan put out in 2012 one of the actions was to make sure that there was accessible information. We updated the Yarra Watch function run by the EPA to make it real time rather than reporting on previous events and prepared a

regular audit report for both the Yarra and the bay — and the bay is as important as the Yarra when talking about these very important and iconic environmental assets that Melbourne has.

The fourth action was to support community action, and there was significant funding put forward to make sure that communities could do their bit to work with and protect this iconic river in our city. We put \$700 000 towards tree planting. We put in place a \$20 million program for communities and community groups to do work around the Yarra as well as \$180 000 towards working out where the litter hotspots were and making sure they were cleaned up.

A lot of work was done over the course of the previous coalition government. This bill certainly builds on that, but it is not the landmark bill that it pretends to be. I am certainly very proud of the work I was able to do as environment minister and proud of the work that the member for Bulleen, as planning minister, was able to do to protect the Yarra River. I certainly do not oppose this bill as it does recognise the importance of the Yarra, and certainly from a personal point of view of the Yarra going through my electorate, I know how important it is to my local residents. It is important that the government does not forget the Maribyrnong River — as I said, another important river in Melbourne. There is little particularly wrong with this bill. It is a fine bill. We are not opposing this bill, but let us not pretend this bill is something it is not.

Ms KILKENNY (Carrum) — I am very proud to rise to contribute on the Yarra River Protection (Wilip-gin Birrarung murrong) Bill 2017. I have listened to the member for Warrandyte opposite, and first of all can I say there is such a stark difference between what happens on this side of the house and what happens among those opposite — that is, we actually get things done on this side of the house. What the member for Warrandyte failed to recognise in his contribution is that the significance of this bill is declaring the Yarra River as a single living entity. It is not the piecemeal approach we saw from those opposite, and this bill is a very clear recognition of the role of the traditional owners in the forward protection of the Yarra River for future generations.

Like many of my colleagues I had goosebumps the day the Wurundjeri elders stood on the floor of our Parliament and addressed our Parliament in their language. We were witnessing a landmark event in Victoria's history. It was certainly an extraordinary moment and a very powerful moment, and it signalled an important partnership with the traditional owners and the custodians of the land where Parliament stands

and the lands along the Yarra River. Of course I am very proud to say that it also forms a much broader recognition of the movement by the Andrews Labor government to properly recognise Aboriginal rights to land in Victoria.

This bill, the Yarra River Protection (Wilip-gin Birrarung murrn) Bill 2017 is, as the name suggests, a bill to protect the Yarra River. This bill is also, as members have indicated, the first to go before Parliament with a dual Indigenous language title and the first to include an Indigenous language preamble. As we all know and have heard from other members, the Yarra and the parklands surrounding the Yarra are assets which underpin the livability, the economic prosperity and of course the very identity, culture and social fabric of Melbourne. When we think of Melbourne we often think of the Yarra River, and in essence it does define us as Melburnians. Whether you live along the Yarra or whether you live in suburbs that are not close to the Yarra, we all identify with it in some form. It gives us our character, and it gives us our identity. In essence it gives all of us our life as Melburnians.

It goes without saying that we do need to protect the Yarra River, and the Andrews Labor government has publicly committed to protecting the Yarra River's amenity and significance by introducing this bill — a bill to recognise the amenity and significance of the river to all Melburnians and to ensure that it is protected for the benefit and enjoyment of future generations. I think what is significant here is that we must listen to and of course work with the traditional owners. 'Wilip-gin Birrarung murrn' is Woi-wurrung for 'Keep the Yarra alive', and the Woi-wurrung people, the recognised traditional owners for the majority of country through which the Yarra River flows, know how very important this is. We now recognise the intrinsic connection of traditional owners to the Yarra River and its country, and we recognise them as the true custodians of this beautiful waterway and surrounding lands, that which they call Birrarung.

This bill, as we have heard, will make sure that the Woi-wurrung people have a continuing, important and ongoing role in the governance, protection, custodianship and safeguarding of the Yarra for all of us and for all generations to come. The bill will provide for the declaration of the river and the surrounding environs for the purpose of protecting it as one living and integrated natural entity.

That is a really significant thing and something that we should all be very proud of. It is a historical declaration and I think a tremendous recognition of the role of and

the partnership that we are developing with the traditional owners.

Given the significance of including in the preamble the Indigenous language, I would like to incorporate into my contribution today the English translation of the Indigenous language preamble to this bill:

We, the Woi-wurrung, the First People, and the Birrarung, belong to this Country. This Country, and the Birrarung are part of us.

The Birrarung is alive, has a heart, a spirit and is part of our Dreaming. We have lived with and known the Birrarung since the beginning. We will always know the Birrarung.

Bunjil, the great Eagle, the creator spirit, made the land, the sky, the sea, the rivers, flora and fauna, the lore. He made Kulin from the earth. Bunjil gave Waa, the crow, the responsibility of Protector. Bunjil's brother, Palliyang, the Bat, created Bagarook, women, from the water.

Since our beginning it has been known that we have an obligation to keep the Birrarung alive and healthy — for all generations to come.

This legislation before us follows the detailed and considered advice of the ministerial advisory committee, who engaged in extensive community consultation and stakeholder engagement. I would like to take this opportunity to thank the members of that committee for all of the work that they did in getting to this point.

Except for the Port of Melbourne and the catchment area upstream of the Upper Yarra Reservoir, the bill will apply to the full length of the Yarra and Yarra River land, Crown land and freehold land owned by public entities within 500 metres of the riverbanks. Together, the Yarra and Yarra River land will be 'one living and integrated natural entity'.

There will be a lead agency responsible for developing a long-term community vision document for Yarra River land, preparing a Yarra strategic plan and, more generally, acting as the voice of the great Yarra River. We have heard that principles will apply. In all decisions, there will be effective integration of environmental, social and cultural considerations for now and for the benefit of future generations. Decision-makers must take account of the potential impacts of climate change and the protection of the environment. The delivery of sustainable development shall be a shared responsibility of all levels of government, industry, business, communities and people. We are all invested in this, and the Aboriginal cultural values, heritage and knowledge of the Yarra River land will be acknowledged, reflected, protected and promoted.

It is important to note that the centrepiece of this legislation will be the lead agency, the Birrarung Council, and that will include at least two nominees of the Wurundjeri Tribe Land and Compensation Cultural Heritage Council, together with at least one representative of an environment group, two skills-based members and at least one representative of a local community group. The council has a role that effectively will make it the voice of the Yarra River.

That is something that we have not had before, and I think it really pulls together the tenor of this bill and the direction in which we want to take this. It will consider the Yarra in a single landscape with a long-term vision. This reflects the historical nature of the legislation we are viewing now, with the Yarra River as a single living entity that is going to be protected for future generations with the input of particular stakeholder groups that include the local Indigenous people. It includes significant and clear protection principles to which public entities must have regard.

Again, Victoria is leading the way in urban river management. This is innovative landmark legislation. It contains appropriate mechanisms to ensure that the protection principles will be followed and that the overarching purpose will be achieved for the greater protection of the Yarra for future generations. We will, for the first time, as the traditional owners themselves have always known, treat the river and its environment as a single living and integrated entity.

The Yarra River and its surrounding lands deserve no less than this. I am pleased to see that those opposite will not be opposing this legislation. This river, as we have heard, is an inseparable part of our identity as Melburnians and an inseparable part of our wellbeing and health as Melburnians, and of course the prosperity and livability of Melbourne. I am delighted to commend the bill to the house.

Ms McLEISH (Eildon) — I rise to join the debate on the Yarra River Protection (Wilip-gin Birrarung murrong) Bill 2017 and to note that ‘Wilip-gin Birrarung murrong’ actually means ‘keep the Birrarung alive’.

This bill at the very high level provides for a land use plan and management plan for the Yarra River and its land. I fear that some members of the government do not actually understand that the Yarra River is some 242 kilometres long. The previous member described it as being an urban river, forgetting that all rivers originate in the highlands. This river has its origins towards the Baw Baw and the Yarra Ranges national parks and includes the Upper Yarra Reservoir. Of that 242 kilometres I think the lion’s share is in my

electorate. I would say that if you look at the maps, probably half of it is in my electorate. It runs through municipalities and localities that a lot of you will not have heard of — Reefton, McMahons Creek, East Warburton, Warburton, Millgrove, Wesburn, Yarra Junction, Launching Place, Woori Yallock, Badger Creek, Healesville, Tarrawarra, Yarra Glen, Christmas Hills and down through to Bend of Islands — and these are all in my electorate — before it makes its way through the more urban areas and into Port Phillip Bay.

I note that the Parks Victoria website refers to the Yarra River as having a multitude of picturesque settings and to the banks of the river as having a number of barbecue and picnic facilities, fishing platforms and jetties. They do tend to be down at the bottom end. I think a lot of people in my electorate would like to see many of those features further up. There are trails and paths that cater for cyclists, joggers and walkers, and we certainly have the Warburton rail trail. But in the Yarra River park notes visitors guide, the map just stops east of Yarra Bend Park. When we are talking about the management of the Yarra River as a whole — its entirety — then perhaps Parks Victoria, which is one of the entities here, needs to review its view on what the Yarra River is.

The main purposes of this bill are to provide for the establishment of an overarching policy and planning framework for the river, to establish the Birrarung Council, to provide for the declaration of the Greater Yarra Urban Parklands, to amend various acts in relation to the management of the river and to make other consequential amendments.

Over a long period of time the Liberals and The Nationals have worked together and had great protections for the Yarra. In the Hamer and Borthwick days, when the land was valued and nurtured, our open space was given pride of place, and the river certainly is that. More recently under the Baillieu and Napthine governments the then Minister for Planning put in planning controls so that we did not see the debacle of overdevelopment of the Yarra around Richmond and Abbotsford, which is what has happened. Also the former Minister for Environment and Climate Change, the member for Warrandyte, started this conversation around protecting the Yarra. It is fair to say that for the last 10 years the community has played an important role, and we have heard the Yarra Riverkeeper Association being quite vocal in that time in meetings with a quite a number of us.

The management of the river to date has been inconsistent and piecemeal. It runs through many electorates and many councils, and there are all manner

of different uses. This bill identifies about 800 parcels of Crown land that will be impacted. It is a little bit doubtful whether that is just 800, because we are not sure about the tributaries and whether or not the tributaries can or will be included. I look at tributaries such as the Little Yarra River, Hoddles Creek and the Woori Yallock Creek in my area but also tributaries like the Maribyrnong and the Moonee Ponds Creek. It could have some greater impacts than we might be led to believe at the moment. Given this inconsistent approach, a different approach is required for the health and sustainability of the river.

Geoffrey Blainey in his book *A History of Victoria* refers to the Yarra River as the artery of early Melbourne, and indeed it was. Equally for the traditional custodians this river would have been extremely important as a water source, for agriculture and for recreational purposes. This bill recognises the role that various Aboriginal groups have played in the past and indeed the important role that they can play in the future.

This bill sees the Birrarung Council being set up to act as an independent voice for the river, and it sets out that the Yarra strategic plan will provide the overarching framework. It is important that the voice is independent and there are a number of public entities involved. I know that Melbourne Water will be the lead, and they have had their own opinion of how the river should be managed. It will be interesting, given the guiding principles, to see how they are going to work with them.

Part 2 of the bill refers to the 'Yarra protection principles'. We have the recreational, social, managerial, cultural and environmental principles. I am sure at times there will be conflicts here, and I am not sure how they will be managed and who will have the loudest voice. The river has been used for recreational purposes by the traditional custodians and by ourselves since white settlement. There is now rowing, and there are ferries for tourists. There is kayaking, and upstream you can swim.

The member for Melbourne said, 'Wouldn't it be great if the health of the Yarra was such that we could swim in it?'. More and more in my electorate I see the river being closed off. Access has been restricted for people who would love to be able to access it for recreational purposes and would love to be able to access it for swimming. At the moment I think Warburton is the only place where you can, and it gets very crowded because people love to swim in rivers. I am hoping that with the traditional custodians being involved quite heavily through having a voice on the council these recreational purposes and the way they use the river for

recreation will be considered in line with some of the other areas.

I want to touch on the cultural principles. We are looking at values that are tangible and intangible and at the protection of our heritage. The bill itself refers to Aboriginal cultural values, heritage and knowledge of the Yarra River land being acknowledged, reflected, protected and promoted. I draw the attention of the house to Aboriginal traditional land management techniques, and I would like to see these adopted through this process.

Some of you may have read the book *Dark Emu* by Bruce Pascoe, in which he puts forward the argument that Aboriginal people were not hunters and gatherers but were very active as farmers, sowing, harvesting, fishing and using irrigation as well — a lot of the techniques that we have used. It would be wonderful to see these reflected through the management provided for under this bill. I also think it would be wonderful if cool burning, their firestick program, was able to be adopted to manage Crown land — really going back to their values and the way that they did things. I tend to think that when we look at some of the cultural things we may overlook this.

In my electorate Aunty Dot Peters, who is very big on weaving and making eel traps and things like that, has passed that on, and Brooke Wandin has been involved in some of that lately as well. I would think there would be a lot of opportunity to consider some of the longstanding, very traditional techniques that the Aboriginal people adopted through recreation because they used the river for swimming and had very open points of access for all of them to get to the river and enjoy it. In my electorate I see more and more that the river is closed off to that.

I can see that at times there will be conflict, and how this conflict will be managed does concern me. At the moment we are seeing a lot more interaction between wildlife, people and cars. All the entities involved will very much need to be mindful of these interactions because sometimes people do not always come off best — and nor do animals. There are often losers in these interactions.

I want to also mention a phrase that was given to me by the Yarra Riverkeeper Association in referring to the river: 'If you don't see it, you won't love it'. It is really important that we do see it. We see it downtown as a feature of the city, and visitors come and they walk along it and look at it. It is a real feature and an absolutely positive thing for Melbourne. Further out, people who live on the Bend of Islands or at North

Warrandyte love their features of the river, but they can see it. We need to make sure that, given the love that it deserves and will get through this holistic management, people are able to see it and understand it, and we need to make sure that those on the government benches understand that this is not a city river. It is extremely disappointing when we are talking about a bill that is so significant that those opposite really think that it is only this bottom end that is important. It runs for 242 kilometres and, as I said, much of it is in my electorate. I hope that through this bill the protections do occur.

Mr PEARSON (Essendon) — I am delighted to make a contribution, but before I do I want to acknowledge and congratulate you, Acting Speaker Dimopoulos, on your recent engagement to Yanni in Greece. You chose Greece as an appropriate location to be engaged and that is a wonderful thing, but I yearn for the day when you have the opportunity and the choice, if you wish to exercise it, to be married lawfully in this land.

Acting Speaker, again what a joy it is to see you in the chair tonight, and I am delighted to make a contribution on the Yarra River Protection (Wilip-gin Birrarung murrn) Bill 2017.

One of the great things about being a member of Parliament is that all of us have a great honour and a great privilege to participate in the forms of the house. For many of us, we respect the institution of the Parliament and appreciate that we are just a short continuum of those who have gone before us and those who will come after us. But equally, one of the great privileges of being a member of this place is the ability for us as members to put our own imprint on democracy in this state — to change and vary the forms of the house to reflect current values and the mood of the society. For me, having the opportunity for the first Australians to be welcomed here, in a respectful and dignified manner on the floor of the Legislative Assembly, and to hear from those members of the Indigenous community — of the Wurundjeri tribe — of the importance of the river, the importance of their culture and the importance of their language I found profoundly moving.

It reminded me of Ludwig Wittgenstein. Wittgenstein was a famous German philosopher who spent a lot of time in England. He only wrote one book, which was *Tractatus*, but his work was also published after his passing. He was a student of Bertrand Russell. He took the view that language was really important because it provided a structure of what can be said meaningfully. To quote the German:

Wovon man nicht sprechen kann, darüber muß man schweigen.

Which in English is:

Whereof one cannot speak, thereof one must be silent.

The way in which this philosophy manifested itself, of course, was in George Orwell's book *Nineteen Eighty-Four*, in which Winston Smith's role is to reduce language. By reducing language you reduce the way in which a person thinks and the way in which a person speaks, as a way of thought control. For me, where Wittgenstein is important in this regard is that with this bill, for the first time, we are giving the Wurundjeri language a voice in this chamber and on the statute book. We are empowering the Wurundjeri people to ensure that they have a rightful place on the statute book and in the political discourse. If you go back decades ago, if you go back 100 years ago, they were suppressed and they were oppressed. They were denied the ability to speak their language fluently. Therefore, providing the Wurundjeri people with a voice is incredibly important.

This bill is also important because it highlights and draws out the fact that Anglo Australia's relationship to land is very different to the way in which the Indigenous communities have regarded this. I remember being quite taken by a speech given by Bill Forwood, who represented the Templestowe province in the other place for the Liberal Party. I got to know Bill when I was a staffer up in the Council. He spoke on the Mabo legislation in 1993. Bill had worked as an official for the Country Liberal Party (CLP) in Darwin for many years, and I think it is fair to say that at times the CLP have not had a great history in race relations. Bill told a story in his speech, and I would encourage all members to read it on *Hansard*, in which he was doing his gardening in his front yard one day, and a young Aboriginal girl came up to him and said, 'Do you belong to this land?'. His response was, 'No, I own this land'. That was how he started his contribution about Mabo, recognising the fact that there are these profound differences in the way in which we regard land ownership.

A bill like this is so important because we are highlighting and recognising that diversity. We are recognising that the first Australians have a different relationship with land. Rather than us oppressing them — where we punish them, where we take their land off them, where we do not treat them with the respect that they deserve, where we deny them their culture, their language and their rights — this is a first step in a process where we can restore dignity, restore justice and do the right thing. It is about treating our

first Australians with the measure of respect that they are entitled to, they deserve and is warranted. For me, sitting here and listening to representatives of the Wurundjeri community speaking in their own language on the floor of this place was incredibly important.

Thinking about the way in which we go forward with a bill like this, it is important that there is an independent body that is given oversight for the way in which the river is looked after and is cherished and protected. Having this overarching strategy makes sure there is compliance and makes sure that a number of stakeholders have a seat at the table. We need to try and provide a level of support so that we have got the ability to have a singular approach to the way in which we protect the river. I think that is really important.

The river does need protecting. I know in the upper reaches the water quality is pretty good, but the reality is that you come down to the further reaches and there are higher levels of pollution. When I worked opposite the Rialto building I used to run up to Burnley Harbour and back, which is about a 10-kilometre run. If you run in the height of summer, the river really smelt. It was clear; you could see the level of pollution. I think providing a level of rigour and focus in looking at the way in which the waterway operates is really important.

As a parochial member for Essendon, it would be remiss of me not to talk about the Maribyrnong River as well. I know the Friends of the Maribyrnong Valley do a fantastic job of looking after the Maribyrnong. I was at a tree planting day a few weeks ago, and the Friends of the Maribyrnong Valley did a fantastic job. Judy Ingram is incredibly tenacious. This is great about the Yarra River, and I think it is fantastic that we are doing that, but we can also think about the Wurundjeri's relationship with the Maribyrnong. We can think about ways in which we can look to improve the Maribyrnong — by removing noxious weeds, by rehabilitating and restoring the land to its natural state. I think that would be really important as well.

I did not want to take up a great deal of the house's time. It never ceases to amaze me how this job at times can take your breath away as a member and what a great privilege and honour it is to serve. To be able to play a role in a place where we are continuing in the path of those who have gone before us but where we are afforded the opportunity to try to shape this institution to reflect the views and the values of contemporary society is inspiring. It is a great privilege and a great honour, and I commend the bill to the house.

Mr WATT (Burwood) — I rise to speak on the Yarra River Protection (Wilip-gin Birrarung murrong)

Bill 2017. At the start I think I should probably put on the record that at no point have I ever claimed familial links to any tribe within the Kulin nation. I will say that I do have familial links to the Noongar in south-western Australia. The reason I point that out is because the commentary I am about to make over the next few minutes is not a personal one, even though I have a deep personal interest in Indigenous affairs as a whole.

I have come into the chamber and listened to all of the contributions on this bill from members on our side, from members of the government and also from the Greens. I want to acknowledge that when listening to contributions from the member for Box Hill, the member for Gippsland South and the member for Bayswater I noticed that they all mentioned the potential for the Bunurong to have some claim on parts of the Yarra. I also note that the member for Eildon talked about Bruce Pascoe, who is the author of *Dark Emu*. He was born in Richmond and he was also a Bunurong.

The reason I raise this is because I have done a bit of research. I do not know how many members of the government have actually done independent research. I know that some of the members who have contributed are still in the chamber, and I am intrigued by the member for Carrum, who is still in the chamber, noting that my information is that the Bunurong cover all of the Carrum electorate and not once did the member for Carrum actually acknowledge that the Bunurong exist or even the fact that the Bunurong have an application in as a registered Aboriginal party for the Western Port all the way up around the bay, crossing the Yarra into, funnily enough, the member for Sunbury's electorate.

I also note that the member for Sydenham, who is the Minister for Aboriginal Affairs, did not mention the Bunurong once. Not once did she mention the fact that the Bunurong actually have a live claim. They have a claim to be the registered Aboriginal party. They have an application before the Victorian Aboriginal Heritage Council, which was partly approved on 19 July this year. There are parts of it that have not been approved yet because they still need to determine who should be the registered Aboriginal party for, of all places, Parliament House. Parliament House is contentious. I have listened to members of the government, I have read all of the information, I have read the bill, and the only Aboriginal tribe that gets any mention from members of the government or in any government material is actually the Wurundjeri.

I have, as I said, no personal reason to be raising this other than the fact that I know that over a very long time, for more than 200 years, Indigenous people have been dispossessed of their land, and it appears to me

that the government, through this legislation, through their actions and through all of the words that I have heard from members of the government, could possibly be further dispossessing the traditional owners of the land upon which we currently stand; land which goes potentially from the mouth of the Yarra River all the way up to Dights Falls.

I refer to a decision by the Victorian Aboriginal Heritage Council dated 3 September 2015 which includes a 'decision area'. The Wurundjeri actually did claim part of the Yarra; the Taungurung have some claim, or the registered Aboriginal party for the tributaries further north in the member for Eildon's electorate. But to the south-west of the Yarra, being all the way up to Dights Falls, the Wurundjeri actually did put in a claim. I just want to read from the decision of the Victorian Aboriginal Heritage Council:

Council was not satisfied that Wurundjeri was the appropriate organisation to represent all persons having traditional or familial links to the decision area, and declined the application.

The minister who introduced the bill, the Minister for Planning, talks about the fact that the Wurundjeri are the traditional owners of the land all the way from the headwaters down to the city of Melbourne. When the Minister for Aboriginal Affairs — I wrote down what she said — acknowledged the traditional owners as being the Wurundjeri, she also said that the Wurundjeri had a connection to the land all the way, including Southbank, to the MCG.

Anybody who knows anything about Indigenous affairs should understand that when John Pascoe Fawcner arrived in Melbourne he spoke to the local Indigenous tribe, and the person he actually spoke to was Derrimut. Derrimut was the leader of the Bunurong, which is why we have a suburb called Derrimut in the north-western suburbs. It is named after one of the elders of the Bunurong tribe at the time that John Pascoe Fawcner arrived.

We also know that the Bunurong have had their application to be the registered Aboriginal party for Western Port Bay accepted; they are the registered Aboriginal party for Western Port Bay. It is inconceivable that the Bunurong tribe went from Western Port Bay all the way up to the Werribee River and covering parts of the Maribyrnong River. I note that the member for Essendon talked about the Maribyrnong River. The Maribyrnong River actually is the border of the claim between the Wurundjeri and the Bunurong. It is inconceivable that Derrimut went all the way from the south-eastern suburbs to the north-western suburbs without actually crossing the

Yarra. We know that John Pascoe Fawcner landed on the Yarra; we know that John Pascoe Fawcner met with Derrimut; and we know that Derrimut was the leader of the Aboriginal tribe, the Bunurong. Hence what we do know is that the Bunurong at least have a claim to part of the Yarra.

It concerns me deeply and it makes me quite sad to sit in this place and see that the government, and noting that the Greens did exactly the same thing as the government — particularly the government, because I know that members on our side, when talking about the Aboriginal tribes, have all mentioned the Bunurong or a member of the Bunurong in their contributions — have completely whitewashed history and taken the Bunurong out of history and out of the history of the Yarra.

I have some real concerns because, as I said, there have been 200 years and more of dispossession of Aboriginal people from their land and their connection to country, and this bill enshrines that in legislation. It actually says the Wurundjeri are the only people that have claim to this land, and we know that is potentially not the case. I have serious concerns about what this bill does. The member for Essendon mentioned in his contribution — I wrote down what he said too — that it is 'empowering' the Wurundjeri. I have concerns that that is exactly what it does. It empowers the Wurundjeri over the Bunurong in the claim on the land where we currently stand.

The area for which the Bunurong have an application actually goes all the way from Western Port Bay — and that has been partly accepted — all the way up to Alexandra Parade, Dights Falls, along Whitehorse Road, up into Lilydale and up the Maribyrnong River into the western suburbs. The *Yarra River Action Plan* actually also mentions the Maribyrnong, and once again that plan only mentions the Wurundjeri.

I note that one of the recommendations makes it very clear. Under the heading 'Traditional owner inclusion', action 4 of the plan states:

Support the Wurundjeri Council to play an active and ongoing role in protecting and improving the Yarra River and its parklands.

This is not just about the Yarra. This bill covers eight municipalities, including the entire municipality of Boroondara. It is possible that the Bunurong are actually the traditional owners of 80 per cent of Boroondara, and yet what we do through this bill is disenfranchise and disempower them; we dispossess them of land once again as traditional owners and say, 'No, we are giving it over to another tribe', with no justification.

I am not saying that the Bunurong are the traditional owners; I am not saying they are not. I am saying the government should not be pre-empting a decision of the Victorian Aboriginal Heritage Council. It deeply distresses me that this bill is going through in this form, pre-empting a decision by the heritage council as to who should be the registered Aboriginal party and who are actually the traditional owners of the land upon which we currently stand.

Ms GREEN (Yan Yean) — It is a great privilege to join the debate on the Yarra River Protection (Wilip-gin Birrarung murrn) Bill 2017. There are rare times in this place that one is filled with joy, and I can say I was filled with joy, emotion and pride to see the Wurundjeri elders take their rightful place and speak for the first time from the dispatch box since the establishment of this Parliament. Seeing Aunty Alice Kolasa, Aunty Gail Smith and the other elders speaking in their Woi-wurrung language and introducing and speaking to this bill just shows that we are connecting and making sure that we right some wrongs and that we learn from the traditional custodians of this land and the richest continuous human culture known to us.

Since Europeans established themselves in this city of Melbourne, like we have done in many other places, we set ourselves up with our backs to the river, with our backs to that life force. We treated it like a drain. We disrespected it. We did not treat it with respect. We did not treat it as the life force that it is.

As a teenager I lived in Mildura, and it was a little bit the same there. The commercial heart and the civic leadership parts of Mildura had their backs to the Murray. Now there are changes being made with the traditional custodians of the land in that place too. I think it shows us the way forward in terms of partnership, learning from each other and mutual respect. I think we have shown some respect for the Yarra over time, but I think it is now the rightful time. But we have also shown a lot of disrespect, with sewerage connections and seepage into the Yarra, overshadowing it with buildings and just not respecting the traditional owners.

This bill establishes the Birrarung Council to provide advice to the minister in relation to Yarra River land and other land, the use and development of which may affect Yarra River land, and other matters, and to report annually to the minister on the implementation of a Yarra strategic plan.

I was privileged for the first 12 years of my time in this place to have the Yarra River as one of the boundaries of my electorate, at Eltham South, at Research, at North

Warrandyte, at the Bend of Islands and at Christmas Hills. It is a beautiful river. It is a diverse river. When I was a preschooler on hot nights my dad used to take me from our then home in Doncaster East to the river in Warrandyte. I remember washing my feet in the river while wearing plastic sandals to protect my feet from the stones. I have taken my own children to swim in that same spot. We have kayaked there. I have been pretty scared of some snakes in the river, but it is a beautiful place and it deserves our respect.

I also have the privilege to represent an area that has many tributaries of the Yarra River, in the Plenty River, Darebin Creek, Merri Creek and Watsons Creek. The intent is to treat this river as one living and integrated natural entity, to value its life force and to grow and improve the public parks that exist along this river. Private owners who have land abutting this river should not be concerned about this because it only covers public land.

Business interrupted under sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — The question is:

That the house now adjourns.

Palliative care

Mr CLARK (Box Hill) — (12 920) I raise with the Minister for Health the issue of funding for palliative care in Victoria, and I ask the minister to guarantee that no existing palliative care organisation will have its funding cut, regardless of any policy or legislative change the government might seek to make. I do not intend to anticipate any legislation the government might bring to this house. However, the recent report of the Ministerial Advisory Panel on Voluntary Assisted Dying recommended the establishment of two new bodies as part of its recommendations — a voluntary assisted dying review board and End of Life Care Victoria.

This inevitably raises concern that the government might seek to fund these new bodies by cutting and reallocating some or all of the funding currently being provided to existing palliative care organisations, be they frontline palliative care organisations or resource and support organisations. If this is a possibility, the community is entitled to know. I am not making any allegation that the government is planning to do this — I do not know what plans the government may have. However, if the government are planning to cut and reallocate palliative care funding, they need to disclose it. Otherwise, they need to guarantee that there are no threats to the funding of any existing palliative care

organisation and that each organisation's current funding levels will continue or, even better, be increased to a level so that all Victorians with life-limiting illnesses can receive the palliative care that they need.

The parliamentary committee inquiry into end-of-life choices highlighted the fact that Victorians are dying in pain needlessly because of gaps, shortcomings and inadequacies in Victoria's palliative care system. These Victorians would not be dying in pain if they could receive the best practice palliative care that other Victorians are able to receive. In the Premier's words, equality in palliative care should not be negotiable.

Payroll tax

Ms SPENCE (Yuroke) — (12 921) My adjournment matter is for the attention of the Minister for Small Business, Innovation and Trade, and the action I am seeking is an update from the minister as to what benefits small to medium-sized businesses in the Yuroke electorate should expect as a result of the Andrews Labor government's payroll tax changes. The Yuroke district is home to many great local small businesses. Cafes, florists, hairdressers and pharmacies all add much to the Yuroke community. I know local small businesses in the Yuroke electorate would appreciate this update from the minister about payroll tax changes.

Weed control

Mr D. O'BRIEN (Gippsland South) — (12 922) My adjournment matter is for the Minister for Agriculture, and the action I am seeking is that the minister advise what action her department and its officials are taking to enforce the eradication of weeds across Gippsland South in particular but indeed also across the state. A couple of weeks ago I had a very good meeting with a number of Landcare groups from Gippsland South and also some from the member for Narracan's electorate, who raised a number of issues with me. In general their concern is about the enforcement of the law with respect to recalcitrant landowners who are letting weeds grow.

In the Gippsland hills, and the Strzelecki Ranges in particular, ragwort is a particular concern, but ragwort and blackberries are two of the weeds that are of most concern to the community. The member for Narracan and other members will be aware that late summer in particular is when the real complaints start about ragwort. Of the landowners at the meeting that I went to in Poowong, some say the act needs changing and some

believe that the act itself is okay but it is not being enforced properly by the department.

A number of things came out of that meeting. They include a strong message about the policing of weeds — that the department needs a compliance unit or a compliance area to actually go around and deal with those who are not maintaining weed control. It was stated that we need a flying squad that can travel the state to deal with some of these issues. Other ideas discussed at the meeting were that penalties should in fact go on the land title of those who are not doing the right thing in managing weeds on their properties, and the introduction of on-the-spot fines. I have written to the minister previously about on-the-spot fines, and the response was that the government would prefer to work with recalcitrant landowners. I think on-the-spot fines are something that should be used. The attendees at the meeting also referred to Bass Coast shire, which has a land management incentive scheme of some sort that provides a rebate on rates for those landholders who do the right thing.

As I said, there are a number of issues here. The law is quite clear that the onus is on property owners to keep weeds off their land. In my view it is simply a matter of enforcement, and the government should be doing a lot more. I ask the minister to advise what in fact the department is doing to control weeds across the state, but in particular in South Gippsland, and I ask her to ensure that enforcement is in fact occurring.

Sunbury–Diggers Rest shared pathway

Mr J. BULL (Sunbury) — (12 923) My adjournment matter is for the Minister for Roads and Road Safety. The action I seek is for the minister to commit funds to build a shared pathway on the west side of Vineyard Road, Sunbury, over the Calder Freeway to connect Diggers Rest and Sunbury. I have met and have been working closely with the Sunbury and Diggers Rest Bicycle Users Group, a passionate group of locals committed to seeing this project delivered. Over a number of months the Sunbury and Diggers Rest Bicycle Users Group have been working closely with VicRoads on design and costings for the project. They have shown excellent leadership and a commitment to see this project implemented.

Currently a pathway does exist along Vineyard Road. However, this path stops short of the bridge over the freeway, effectively restricting access between Sunbury and Diggers Rest. Both communities are growing. In their advocacy the group have engaged Hume City Council and the City of Melton on the proposal, and I

am very pleased to say that both municipalities have been supportive of connecting the pathway.

The Andrews Labor government has made significant investment in local infrastructure through the budget and of course through ongoing funding streams like the Growing Suburbs Fund. Those opposite failed to deliver anything for the Sunbury community for four years. I have previously written to the minister about this project, and I know he is aware of the need to see it delivered. This project is extremely well supported in the community, and it would make a significant difference to thousands of bike riders, runners and walkers who want to head out during the week and of course across the weekend.

Let us not forget of course Labor in Lycra, which raises important money for the Smith Family and is in high demand across the state. They would be very supportive of this project. The action I seek is that the minister commit funding to see this bike path delivered.

Gippsland rail services

Mr BLACKWOOD (Narracan) — (12 924) I wish to raise a matter for the Minister for Public Transport, and the action I seek is that she review the ongoing replacement of trains with buses on the Gippsland line. I understand that the need for this to occur so often of late is directly related to the level crossing removal program within the metro system. However, this causes enormous disruption to commuters from Gippsland. It adds at least an extra hour per day in travel time, has significant impact on work and appointment punctuality and deprives hardworking Gippslanders of important and valuable family time.

Since 2 May this year train services have been replaced by buses on 41 days. If you add in the recently announced future service changes, up till 21 September Gippsland V/Line train services will have been replaced by buses on 71 days out of a possible 142. Average that out and it means that on every second day since 2 May there have been disruptions to services on the Gippsland line. Even the Auditor-General outlined in his report released today that V/Line has failed to meet key service criteria for the operational performance of its trains and that it is not able to consistently meet punctuality targets. His investigation also found that V/Line trains fail to consistently arrive at the metropolitan boundary in time to use their scheduled path.

As I said earlier, I understand a number of these interruptions to services are necessary for the delivery of level crossing removals in the metro system. The level crossing removals will deliver benefits, but I am

concerned that Gippsland commuters are suffering enormous inconvenience for very little future benefit. I am also concerned that once the level crossings are removed the extra spots opened up for more services will be allocated to metro trains, and therefore little benefit will be delivered to long-suffering Gippsland passengers. They will continue to be treated like second-class citizens.

I would be very pleased if the Minister for Public Transport can prove me wrong and actually deliver more services to Gippsland, including the return of an express service during peak times. But in the meantime I ask that she request a brief from Public Transport Victoria that identifies the full extent of replacement buses being used on the Gippsland line and that she use this information to review the use of buses with a view to keeping it to an absolute minimum in coming months and to ensuring that it occurs at times that will cause the least inconvenience to Gippsland rail users.

Yan Yean electorate schools

Ms GREEN (Yan Yean) — (12 925) I wish to raise a matter for the attention of the Minister for Education. The action I seek is for him to have the Department of Education and Training develop an action plan to address some of the challenges facing some great schools in my electorate, being Hazel Glen College and Diamond Valley College.

For four years, while population doubled in Mernda and Doreen between 2010 and 2014, the Leader of the Opposition's Liberals sat back and failed our children, by failing to invest in government schools despite the obvious need. This was when he was planning minister as well as the local upper house MP for the area. Mernda residents will not forget the empty land that sat on Breadalbane Avenue in Mernda. It had been purchased for education purposes by the Brumby government, and it lay undisturbed for the entire period of the failed Baillieu-Napthine governments, despite the need.

This year, now, we have the completed Mernda Central P-12 College, with a growing enrolment, first-class education buildings, great staff, excellent sporting facilities and even a learn-to-swim school and a weekly fruit and vegie market. What a difference a Labor government makes.

In addition, in under three years our government has been building the Education State. This can be seen in the electorate of Yan Yean with two Mernda schools built and now open; upgrades at Wallan and Whittlesea secondary colleges, Hazel Glen College and Diamond Valley College; and upgrades at Wattle

Glen Primary School; land purchased for Yarrambat Park Primary School and for Beveridge Primary School; and this year funding to construct the primary school at Yarrambat Park.

We have a Minister for Education who is in tune with the needs and desires of parents, students and school communities in Victoria and, I must say, in the Yan Yean electorate. The minister joined me recently at Hazel Glen College and Diamond Valley College to meet with principals, staff and students to discuss these schools' futures. Both schools face significant but different challenges. As he is aware, Hazel Glen College has a student population which is probably the largest school in the state, with large enrolments — 2100 students, and potentially up to 4000 students within the next four to five years. Certainly we need to plan for how we are going to manage this growth — we need to hear that from the department — and we also need to be looking at what the enrolment catchment for this school will be, something that I have raised in this Parliament before.

Diamond Valley College has a challenge with its future regarding where it positions itself into the future, especially given the growth around it and the other schools. It has always been a special school that has catered to small country schools in Kinglake into the Nillumbik hinterland, and we want to make sure that this school is not diminished. I therefore ask that the minister have his department make an action plan for these great schools and deliver for education in Yan Yean.

Bass Coast clinical services plan

Mr PAYNTER (Bass) — (12 926) My adjournment matter is for the Minister for Health. The action that I seek is for the minister to release the Bass Coast clinical services plan final report. The report was completed on 7 April 2017 and now sits with the Department of Health and Human Services. It has not been signed off by the minister and, as a result, has not been made public. Meanwhile, the hospital facilities at Wonthaggi continue to decline and are non-existent on Phillip Island. The people of Bass Coast deserve better.

First and foremost, Wonthaggi Hospital should receive the funding necessary for it to build facilities and deliver the services required for it to obtain subregional status. This could start with funding a new emergency department, which has already been planned. The upgrade of the Wonthaggi Hospital to subregional status is critical to improving the clinical services and facilities on Phillip Island. All the stakeholders have now agreed on this point. I ask the minister to release the clinical services report without further delay. The

people of Bass Coast deserve to be kept informed and updated whenever information of this kind is available.

Joan Kirner Women's and Children's Hospital

Ms SULEYMAN (St Albans) — (12 927) My adjournment matter is for the Minister for Health. The action that I seek is for the minister to update the house on the progress of the building works at the Joan Kirner Women's and Children's Hospital at Sunshine. The Andrews Labor government is getting on with building a first-class health facility of \$200 million, the women's and children's hospital in Melbourne's west. As the chair of the Joan Kirner women's and children's community advisory committee, the working group is progressing really well and going through the issues and consulting with the community and service providers. It is important that there is an update in relation to the progress of the building works.

May I add that we have wasted no time in commencing the building works for the Joan Kirner Women's and Children's Hospital. This is a fantastic facility that will cater not only for the electorate of St Albans but for the growing corridor of the western suburbs, and it has been welcome news for the people of the west. As I said, this will be a facility — a first-class hospital — with 247 beds. It will cater for women's and children's needs, and most importantly women and children will be able to get care and support without travelling into town. I think that is really, really critical and important for a growing corridor in the west.

I respectfully ask the minister to update the house in relation to the building works. Hopefully she will be able to also provide some information in relation to the first slab of the hospital being poured, and I hope that is as soon as possible.

South-West Coast electorate roads

Ms BRITNELL (South-West Coast) — (12 928) My adjournment matter is for the Minister for Roads and Road Safety. The action I seek is for him to ensure that road repair works being carried out in my electorate are carried out to a standard that prevents further repair work from being necessary in the short term.

This is the second time I have stood in this Parliament in as many months to decry the quality of roadworks being completed in my electorate. It seems that no sooner than a section of road gets fixed it is breaking up again, requiring a second, third, fourth and sometimes even fifth round of repairs — at what cost to the taxpayer? Who would repair the same problem five separate times knowing it would probably happen

again? You would not run a business like that, repairing an asset over and over again, knowing it would end up costing more than buying a brand-new asset. It is sloppy business practice, and that is what this government is doing with our roads.

Last week a 130-metre stretch of Henty Highway near Portland was in such a bad state of repair that one lane of traffic heading into town was closed as a safety precaution. I have been told that this section of the road has been patched at least five times in the past six months. Last week VicRoads prioritised comprehensive repairs on this section of road, and machinery finally moved in to do a proper rebuild on this section of road.

Given the track record I, along with the rest of the community, wait to see how long it will last. This is not an isolated case. In June I stood here and spoke about a section of the same highway just a few kilometres up the road, and I received calls and emails from constituents from Caramut, Heywood, Macarthur, Warrnambool, Nelson, Port Fairy and Panmure, telling me about a recent road repair which is falling apart after just a few weeks.

The Auditor-General's report *Maintaining State-controlled Roadways* found that there has been a complete failure by this government to manage an effective statewide maintenance program or to ensure timely repair works. Further to that, the Auditor-General found that this city-centric Labor government has no plan for regular maintenance on country roads and seems not to care that third-party contractors are never held to account.

This government is just throwing good money after bad on substandard road repairs, and no-one is responsible for the final project. The fact is this is happening again and again. Minister, are you not one bit concerned that your department is wasting money and has no idea about what is really happening? Is it any wonder the people of regional Victoria feel like they are left behind by the Labor government when they continually see their hard-earned money being shovelled into shoddy repair jobs week after week rather than decent, considered and well-planned works?

All the funding announcements and media releases mean nothing if the works being promised are not up to scratch. The people of South-West Coast drive on these roads every day and see what an inadequate job is being done, and they lay the blame at your feet, Minister. Given there was money announced today for road upgrades to improve regional productivity in my electorate, a need for greater accountability for the standard of work being done is even more pressing.

Minister, it is time to stop the waste and get on with the job of repairing our regional roads.

Melbourne Polytechnic

Mr CARBINES (Ivanhoe) — (12 929) My adjournment matter is directed to the Minister for Training and Skills in the other place. The action I seek is for the minister to provide details on how the Andrews government is securing the financial future of Melbourne Polytechnic. In particular, the West Heidelberg campus of Melbourne Polytechnic has suffered very significant cuts — \$25 million just in one instance under the previous Baillieu-Napthine governments — to the extent that to raise revenue in West Heidelberg, can you believe it, the TAFE campus decided to implement parking meters in the TAFE students car park to raise revenue to pay bills after \$25 million was cut by the previous Baillieu-Napthine governments.

Can I say also that we have seen great strides taken both by the present minister and by the previous Minister for Training and Skills, who was also in the other place, a former member for Eltham and former member for Northern Victoria Region. There is also the work that the current minister has done to turn around the prospects and the opportunities for young people in north-east Melbourne through the work that Melbourne Polytechnic has been able to undertake and the opportunities, as we have seen through the reopening of the Greensborough campus of Melbourne Polytechnic with my colleagues the members for Eltham and Bundoora.

These are very significant advances that are providing opportunities for young people and those in my community seeking career changes to prosper. I recall when my mother was doing some further training in her career and doing secretarial studies at the campus on St Georges Road of the then Northern Melbourne Institute of TAFE — a very long time ago. This led to opportunities for her, post-children, to get back into working at schools in administrative areas before she then went on to do her own teaching degrees and to teach children in my electorate at places like Ivanhoe Primary School.

The opportunities that TAFE has provided people over the decades to retrain and to enter the workforce have been absolutely critical. There has been work done by our government to reinvest in Melbourne Polytechnic and to provide opportunities for people at the West Heidelberg campus to get the training and skills they need, to prime them and to find them links to jobs in the north-eastern suburbs. Reopening that Greensborough campus was a very significant, iconic and demonstrable example of what this government is committed to in

terms of people's jobs and training prospects. Still, I am keen to hear what further work our government is doing to secure the financial future and prospects of people seeking work and training in the Ivanhoe electorate.

Responses

Mr PAKULA (Attorney-General) — The manager of opposition business raised a matter for the Minister for Health regarding the maintenance of palliative care funding, and I will pass that on; the member for Yuroke raised a matter for the Minister for Small Business, Innovation and Trade seeking an update on the benefits for small business of payroll tax changes, and I will pass that on; the member for Gippsland South raised a matter for the Minister for Agriculture regarding action on weed eradication in Gippsland South in particular, and I imagine in particular on private land, given that is the responsibility of the agriculture minister, and I will pass it on; the member for Sunbury raised a matter for the Minister for Roads and Road Safety regarding the committal of funds for the creation of a shared pathway in his electorate, and I will pass that on; the member for Narracan raised a matter for the Minister for Public Transport regarding a review of the replacement of trains with buses on the Gippsland line, and I will pass that on; the member for Yan Yean raised a matter for the Minister for Education regarding the development of an action plan to deal with challenges facing schools in her electorate, and I will pass that on; the member for Bass raised a matter for the Minister for Health regarding the release of the Bass Coast clinical services plan, and I will pass that on; the member for St Albans raised a matter for the Minister for Health regarding an update on the progress of building works at Joan Kirner Women's and Children's Hospital, and I will pass that on; the member for South-West Coast raised a matter for the Minister for Roads and Road Safety asking him to ensure that road repair in her electorate is of an appropriate standard, and I will pass that on; and the member for Ivanhoe raised a matter for the Minister for Training and Skills seeking details on how the government is securing the future of Melbourne Polytechnic, and I will pass that on.

The DEPUTY SPEAKER — The house now stands adjourned until tomorrow.

House adjourned 7.23 p.m.