

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Thursday, 10 May 2018

(Extract from book 5)

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

The ministry

(from 16 October 2017)

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

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

Speaker

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

The Hon. TELMO LANGUILLER (to 25 February 2017)

Deputy Speaker

Ms J. MAREE EDWARDS (from 7 March 2017)

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

Acting Speakers

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

Leader of the Parliamentary Labor Party and Premier

The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier

The Hon. J. A. MERLINO

Leader of the Parliamentary Liberal Party and Leader of the Opposition

The Hon. M. J. GUY

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

The Hon. D. J. HODGETT

Leader of The Nationals

The Hon. P. L. WALSH

Deputy Leader of The Nationals

Ms S. RYAN

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn ²	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Naphthine, Dr Denis Vincent ³	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio ⁴	Melton	Ind
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma ¹	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John ⁵	Morwell	Ind
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David ⁶	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Paynter, Mr Brian Francis	Bass	LP
Clark, Mr Robert William	Box Hill	LP	Pearson, Mr Daniel James	Essendon	ALP
Couzens, Ms Christine Anne	Geelong	ALP	Perera, Mr Jude	Cranbourne	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Pesutto, Mr John	Hawthorn	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Ms Fiona Catherine Alison ⁷	Northcote	ALP
Dixon, Mr Martin Francis	Nepean	LP	Riordan, Mr Richard ⁸	Polwarth	LP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian ⁹	Gippsland South	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Ms Stephanie Maureen	Euroa	Nats
Eren, Mr John Hamdi	Lara	ALP	Sandell, Ms Ellen	Melbourne	Greens
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
Fyffe, Mrs Christine Anne	Evelyn	LP	Sheed, Ms Suzanna	Shepparton	Ind
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Ryan	Warrandyte	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Timothy Colin	Kew	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Spence, Ms Rosalind Louise	Yuroke	ALP
Guy, Mr Matthew Jason	Bulleen	LP	Staikos, Mr Nicholas	Bentleigh	ALP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Staley, Ms Louise Eileen	Ripon	LP
Hennessy, Ms Jill	Altona	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hibbins, Mr Samuel Peter	Prahan	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	Thorpe, Ms Lidia Alma ¹⁰	Northcote	Greens
Kairouz, Ms Marlene	Kororoit	ALP	Tilley, Mr William John	Benambra	LP
Katos, Mr Andrew	South Barwon	LP	Victoria, Ms Heidi	Bayswater	LP
Kealy, Ms Emma Jayne	Lowan	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kilkenny, Ms Sonya	Carrum	ALP	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Knight, Ms Sharon Patricia	Wendouree	ALP	Ward, Ms Vicki	Eltham	ALP
Languiller, Mr Telmo Ramon	Tarneit	ALP	Watt, Mr Graham Travis	Burwood	LP
Lim, Mr Muy Hong	Clarinda	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Williams, Ms Gabrielle	Dandenong	ALP
McGuire, Mr Frank	Broadmeadows	ALP	Wynne, Mr Richard William	Richmond	ALP

¹ Elected 31 October 2015

² Resigned 3 September 2015

³ Resigned 3 September 2015

⁴ ALP until 7 March 2017

⁵ Nats until 28 August 2017

⁶ Elected 14 March 2015

⁷ Died 23 August 2017

⁸ Elected 31 October 2015

⁹ Resigned 2 February 2015

¹⁰ Elected 18 November 2017

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, Ms Springle and Mr Wells.

Standing Orders Committee — The Speaker, Ms Allan, Ms Asher, Mr Carroll, Mr Clark, Ms Edwards, Mr Hibbins, Mr Hodggett, Ms Kairouz, Ms Ryan and Ms Sheed.

Legislative Assembly select committees

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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Thursday, 10 May 2018

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

PETITIONS

Following petitions presented to house:

Yarck speed limit

To the Legislative Assembly of Victoria:

The petition of residents and visitors in Yarck, Victoria 3719 draws to the attention of the house the speed limit in Yarck township.

Yarck is a growing regional town and is a very popular place for travellers to stop, rest and buy food and drinks.

The intersection of Maroondah Highway, Wrights Road and Yarck Road can be very busy with traffic passing through at 80 km/h, travellers and trucks stopping/parking and local traffic turning left or right.

The recent changes to this intersection now allow traffic travelling through at a speed of 80 km/h to pass a stationary vehicle waiting in the middle of the intersection to turn left or right without slowing down.

The petitioners therefore request that the Legislative Assembly of Victoria change the speed limit through Yarck from 80 km/h to 60 km/h.

By Ms McLEISH (Eildon) (167 signatures).

Wire rope barriers

To the Legislative Assembly of Victoria:

This petition of residents of the state of Victoria draws to the attention of the house the concerns of road users, farmers and emergency services workers about the rollout of 2000 kilometres of wire rope barriers across Victorian roads.

The petitioners request that the Andrews Labor government immediately halt its rollout of wire rope barriers until these safety concerns have been addressed and a more strategic approach for barrier placement is adopted.

By Ms RYAN (Euroa) (571 signatures).

Wind energy transmission lines

To the Legislative Assembly of Victoria:

This petition of the residents of the state of Victoria draws to the attention of the house the concerns of residents about the installation of multiple transmission lines from wind farms along Victorian roads and close to towns, with safety concerns around fire hazards and closeness to roadways, and their impact on the visual amenity of the rural landscape.

The petitioners request that the Andrews Labor government immediately halt its rollout of transmission lines until these concerns have been addressed and a more strategic approach

for transmission line rollout is adopted, with adequate controls designed to mitigate the impact of multiple installations on the rural landscape.

By Mr RIORDAN (Polwarth) (287 signatures).

Mickleham Road duplication

To the Legislative Assembly of Victoria:

The petition of certain citizens of Greenvale draws to the attention of the house issues relating to the need to duplicate Mickleham Road from Somerton Road to Craigieburn Road. The current road does not meet the needs of the volume of traffic utilising it and is a safety concern.

The petitioners therefore request that the Legislative Assembly of Victoria begin the process of putting into place the planning for and construction of the road.

By Ms SPENCE (Yuroke) (142 signatures).

Tabled.

Ordered that petition presented by honourable member for Eildon be considered next day on motion of Ms McLEISH (Eildon).

Ordered that petition presented by honourable member for Euroa be considered next day on motion of Ms RYAN (Euroa).

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

DOCUMENTS

Tabled by Acting Clerk:

Auditor-General:

Assessing Benefits from the Regional Rail Link Project — Ordered to be published

Maintaining the Mental Health of Child Protection Practitioners — Ordered to be published

Family Violence Reform Implementation Monitor — Report 1 November 2017 — Ordered to be published

Statutory Rules under the following Acts:

Estate Agents Act 1980 — SRs 48, 49

Wildlife Act 1975 — SR 50

Subordinate Legislation Act 1994 — documents under s 15 in relation to Statutory Rules 48, 49, 50.

PRODUCTION OF DOCUMENTS

The Acting Clerk (09:36) — In accordance with standing order 171, I have tabled a letter from the

Attorney-General advising that as there is a substantial number of relevant documents within the scope of the Assembly's 29 March 2018 order for the production of documents, the government requires further time to process the Assembly's order and will endeavour to provide a final response to the order as soon as possible.

BUSINESS OF THE HOUSE

Adjournment

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

That the house, at its rising, adjourns until Tuesday, 22 May 2018.

Motion agreed to.

RULINGS BY THE CHAIR

Questions without notice

The SPEAKER (09:37) — On Tuesday this week the member for Malvern took a point of order regarding the responsiveness of the Treasurer's answer to the member's second supplementary question. Having reviewed the transcript, I rule that the answer was responsive.

MEMBERS STATEMENTS

Queen of Peace Parish Primary School, Altona Meadows

Ms HENNESSY (Minister for Health) (09:37) — I rise to celebrate and acknowledge some of the wonderful students, teachers and schools in my electorate of Altona. It was an absolute joy to recently meet with the smart, funny and very kind children from grades 5 and 6 at Queen of Peace Parish Primary School in Altona Meadows. We had an excellent discussion about civic life, politics, what makes life meaningful and of course why the Western Bulldogs are the greatest football team of all time. I was incredibly impressed with their enthusiasm for learning and their very intelligent questions, and I would like to wish them all the best for the upcoming trip to Parliament House.

Altona Meadows Primary School

Ms HENNESSY — I also recently visited Altona Meadows Primary School, where I was welcomed with pumpkin soup, kale salad and delicious pasties, all made from ingredients from their thriving Stephanie Alexander kitchen garden. It was there that I was also

proud to announce the Victorian government's \$500 000 investment in the Playground to Plate grants program, designed to get Victorian kids thinking about where their food is coming from and learning how to make delicious, healthy meals from homegrown produce. Again, I thank all those wonderful children for such a fantastic experience and acknowledge the very hardworking Stephanie Alexander and all that she has done for our young students.

Point Cook College

Ms HENNESSY — Finally, I was able to visit the staff and students at the P-9 Point Cook College to congratulate them on their impressive achievement of becoming a 3-star ResourceSmart school. The students have been participating in many different projects with the aim of improving their school's energy and water consumption. A special shout-out to James, one of their school leaders, who is also an umpire in the Western Region Football League.

Kananook train stabling facility

Mr BURGESS (Hastings) (09:39) — Unsurprisingly, the Labor member for Carrum has again been caught out in Parliament for misleading the Carrum community, this time about the Andrews government's plans to build train stabling in the backyards of Kananook residents. Is there no limit to what this member will allow her government to do to Carrum residents? Carrum residents must be wondering where the person they elected to represent them has gone, why she is allowing the Premier to force the Eel Race Road closed, and why another Labor MP was able to say no to the Premier's sky rail and get it underground instead, but she has just stepped out of the way and let him introduce it.

On 29 March 2018 the member for Carrum rose to her feet in this house and, instead of telling the Premier that we will not treat Carrum residents with such contempt, tried to further mislead Carrum residents by saying that the reason why the Liberal Party was fighting against this Kananook stabling was the fact that we did not want extra services on the Frankston line. Honestly, do you really think Carrum residents are that gullible? I wonder if the member for Carrum has ever bothered to even listen to why her community is so desperately opposed to her plan.

Safe access zones

Mr BURGESS — On another important matter, I would like to put on record my change of mind on the government's exclusion zone laws. At the time the bill

was debated I found the argument for keeping people with different views on such an emotional topic separate compelling, but my training as an officer of the court has prevailed in circumstances where my conscience should have. After discussing these laws with a range of people, including Kathy Clubb, it has become apparent to me just how damaging these laws are.

Ocean Grove Surf Life Saving Club

Ms NEVILLE (Minister for Police) (09:40) — Last Saturday, 5 May, I was pleased to join members of the Ocean Grove Surf Life Saving Club to turn the sod for their new clubrooms and also the sod for the whole complex. I have been working with the club over a number of years to help them realise their dream of rebuilding this club and having the facilities they need. Over the years members have worked tirelessly to fundraise and plan for the project. I of course then went to the election with a commitment of \$2.67 million to rebuild the club. That also included an additional \$2 million from the Barwon Coast Committee of Management for the remaining complex, which will provide restaurants and toilets to the community.

The design came back, and ultimately to meet the needs and aspirations of the local community we needed to invest more money. I was very pleased that in the state budget we put in an additional \$1.2 million, bringing our commitment to over \$4 million. Unfortunately the federal government and the local federal member were unable to secure more than \$1 million, so I am very pleased that we were able to secure the full extra \$1.2 million. I congratulate David Pavia, the committee of management and all their members on their unrelenting work and their patience, and we now look forward to building commencing in the coming weeks.

Rural general practitioners

Mr WALSH (Murray Plains) (09:42) — I raise the concerns of the Kerang district community about the critical shortage of doctors in the town. Kerang and district have been well served over many years by some long-serving doctors, like Dr Wood, Dr Keogh and Lindsay and Dianne Sherriff, but they have now all retired or moved on to other duties in their lives, including the Sherriffs, who are now working off the coast of Africa on the *MV Africa Mercy* hospital ship over there.

Both the Fitzroy Street Medical Clinic and the Kerang Medical Clinic are working hard to recruit new doctors but are finding it very difficult. The challenge for country towns is made more difficult by the fact that

many potential doctors actually do not want to work as a visiting medical officer at their local hospital — being on call all hours of the day and night and weekends and being taken away from their existing practice. Country communities deserve good access to doctors, and what is taken for granted in the city is not the case in the country. It is time the Andrews government did more to help these communities to recruit doctors and make sure doctors stay in their towns.

Northern District Community Health has actually shown some initiative by recording a video of their CEO, Mandy Hutchinson, and various staff and community members singing a song about the need for doctors in Kerang. It is a great idea and has had nearly 13 000 views. What they need now to back up that video is support from the Andrews government to make sure that there are packages in place that incentivise doctors to go to country towns to deliver the services that are so important for those towns — services that people in Melbourne take for granted.

Education funding

Mr PALLAS (Treasurer) (09:43) — I am delighted to inform the house of the opportunities that the Andrews Labor government is providing students in my electorate of Werribee and in greater Wyndham. The 2018 budget invests \$96.8 million to build Point Cook south senior secondary college, Wyndham South (Riverwalk) primary school and Davis Creek primary school. That follows on from funding in last year's budget to build the new Truganina East P-9 and the new Sanctuary Lakes P-9. This is all about meeting demand in Wyndham and ensuring kids can have a great local education. I am also pleased that both the Wyndham South primary and Davis Creek primary will have an early childhood centre co-located on site, as this is an issue of significant concern within the community.

The 2018-19 budget also prepares students to gain practical skills for the jobs of the future. The Wyndham Tech School will soon benefit thousands of Wyndham students, with specialised education in science, technology, engineering and mathematics skills. We are also making TAFE free for 30 priority courses and 18 preapprenticeship courses to ensure that cost is never a barrier to acquiring good skills for a good job. We are getting things done and making things fair.

Rod Canobie

Mr WAKELING (Ferntree Gully) (09:45) — I wish to rise to pay tribute to Rod Canobie, the president of the Boronia RSL. I had the great pleasure to attend an event which was attended by Dr Rob Webster, the

state president of the RSL, at which Rod was awarded an Australian RSL life membership for his service to the RSL community in Boronia and also across Victoria. Rod is a hardworking member of the Boronia RSL and, along with Carl Sorenson, the hardworking secretary, has done an enormous amount of work to not only promote the work of the Boronia RSL but to promote the RSL community more broadly and the Anzac Day commemorations. I pay tribute to his work.

Knox Environment Society

Mr WAKELING — I would also like to pay tribute to the work of the Knox Environment Society, which recently held their autumn festival last Saturday, and I had the great pleasure to attend their facility. They have recently opened a new shed, and they have got lots of volunteers — lots of local residents — who are actively participating in the work at their plant nursery. I congratulate Richard Faragher and all the members of that committee for their hard work.

Energy prices

Mr WAKELING — Can I also say that many residents in my community have raised grave concerns with this government's lack of action when it comes to the cost of living — energy prices and electricity prices are through the roof.

TAFE funding

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) (09:46) — The past week has been a very exciting time for me and my community in Mill Park, and of course the 2018 Andrews Labor budget has given us much to be excited about. The government is supporting people in my community and right across Victoria by giving TAFEs the funding these institutions absolutely deserve. We are making them better than ever and we are making priority TAFE courses free, and that is an incredible commitment.

This will be life-changing for many working families and young people across the state. This will give every Victorian the opportunity to reach their full potential regardless of their background or circumstance. This will also mean we have the right skills to meet the growing demand in industries that are building our growing communities, including Mill Park. I meet hardworking people every day who are just looking for the opportunity to live their best life — well, now they can. I am so proud to stand with a government that puts people first.

Mill Park electorate roads

Ms D'AMBROSIO — Constituents will also be happy to know that several bids to upgrade the busy Childs Road have been included as part of the state budget's suburban roads upgrades. Residents will soon be able to move around more efficiently, with lanes to be duplicated from two to four lanes between Beaumont Crescent and Prince of Wales Avenue, and the replacement of the roundabout with traffic lights. This will slash congestion for the more than 25 000 vehicles which rely on this road every single day. Epping Road of course will also be upgraded with duplicated lanes, bike lanes, traffic lights, safety barriers and better access to community facilities.

Mill Park electorate schools

Ms D'AMBROSIO — And of course Epping Secondary College will receive \$3 million and Plenty Parklands Primary School will receive \$200 000.

Hawthorn Basketball Association

Mr PESUTTO (Hawthorn) (09:48) — I am very pleased this morning to rise to recognise and acknowledge the work of the Hawthorn Basketball Association (HBA). The Hawthorn Basketball Association has over 8000 active members across Hawthorn and other suburbs across Boroondara city. Amazingly, it manages over 320 games per week at 22 local venues across Hawthorn and Boroondara, and they do fantastic work. In addition to organising all of those games they run school clinics and they offer coaching assistance services and also holiday programs. The work they perform is not just important for the sport of basketball and the promotion of basketball but also for general health and wellbeing across the area of Boroondara.

That of course engages the question of finding more venues for basketball to be played in. On Monday night of this week I met with Martin Reich; Brock Rogers, the general manager of HBA; David Skelton; Glenn Kiefer; Peter Schreuder; Neil McArthy; and Bernard Cussen to discuss the possibility of other venues across Boroondara to provide venues for this growing sport. Boroondara, as many people would know, is a very built-up area of inner Melbourne, and it does encounter challenges in terms of more venues. I am looking forward to working closely with HBA and the good work they do to find more venues for this growing sport.

Nagamuthu Ramalingam Wickiramasingham

Mr DONNELLAN (Minister for Roads and Road Safety) (09:49) — I want to recognise one of our local heroes, Nagamuthu Ramalingam Wickiramasingham — ‘Wicki’ for short, which is probably a godsend for me because my pronunciation is a little bit ordinary. Wicki has been involved in Tamil broadcasting since 1993. He established the Tamil broadcasting service on 3MDR 97.1 — the voice of Tamils. He came here in the early 1990s. He was a social worker by profession and got the assistance of John Pandazopoulos to set up the first Tamil broadcasting service in the country. The radio show he presents is called *Sanganatham*.

Wicki began this radio service with a few others, including Mr and Mrs Skandakumar, Mrs Leopillai and Mrs Sargunam. They as volunteers have provided a local and international news service, played Tamil films, given advice on health-related topics and provided community announcements, obituaries and the like. The service is now broadcast to New South Wales and Queensland. It provides news in a news sense but has not got involved in the difficulties that have occurred in Sri Lanka. Wicki himself has in the past been involved in talks for peace in Sri Lanka.

Sale TAFE funding

Mr D. O'BRIEN (Gippsland South) (09:51) — I rise to congratulate the Wellington shire community for its efforts in finally forcing the Andrews Labor government to deliver on a new TAFE campus for Sale. It is 14 years since the previous Labor government moved netballers off the old courts at the port of Sale with the promise of a new TAFE campus on the site. The Sale community has never given up on the new campus, and great credit must go to the Wellington Shire Council and particularly the Committee for Wellington, which has pursued this project with vigour. I am pleased that The Nationals were able to make an election commitment in August last year to deliver a new Sale campus, and belatedly the Labor government has joined us with the long-awaited announcement in the budget last week.

Betty Heywood

Mr D. O'BRIEN — Congratulations on the life membership awarded to Betty Heywood of Warragul at last weekend's state conference of The Nationals. Betty has been supporting The Nationals for some 45 years, and at nearly 88 she still made the trek to the conference in Shepparton to support the party she loves. Betty might be small in stature, but when it comes to standing

up for what she believes in she is a ferocious advocate for the people of country Victoria, and Gippsland in particular. Her speech at the conference in defence of Australia Day was an example of her passion. Known for her fantastic sponge cakes and raffles at Narracan district council meetings, Betty is the epitome of service to our party. Her life membership is a great tribute to her work over many decades.

Gippsland rail services

Mr D. O'BRIEN — Still on the conference, I was very pleased to hear the Leader of The Nationals, the member for Murray Plains, highlight the need for a dedicated Gippsland rail line into Melbourne in his speech. I have been campaigning for a solution to this issue since I was elected. Gippsland has the worst performing trains in the state in terms of punctuality. In the most recent period only 47 per cent of Bairnsdale trains arrived on time. This is in large part due to congestion at the Melbourne end. We need a dedicated track, and I am pleased The Nationals have acknowledged this need because the Labor government and the Minister for Public Transport continue to hide and hope the problem will go away.

Anzac Day

Mr EREN (Minister for Tourism and Major Events) (09:52) — Thank you to all members of the house who supported their local RSLs and veterans by attending this year's Anzac Day events. This Anzac Day I was delighted to attend the predawn service at Johnstone Park in Geelong, the dawn service at Eastern Beach, Geelong, and the wreath-laying service at the Geelong RSL. Congratulations to the Geelong RSL and the Vietnam Veterans Association of Australia, Geelong branch, and in particular Rieny Nieuwenhof, and all of the others who were involved in these services. It was an honour to again attend this year's commemorations and especially to see our young Victorians, from toddlers to teenagers, attend to learn about this important part of our history.

Lara RSL

Mr EREN — I was also pleased to announce that the Lara RSL, in my electorate, was approved for a grant of \$9425 for the Lara military history project. The Lara RSL was selected by Museums Victoria to have its collection of artifacts and war memorabilia evaluated and catalogued. Seven hundred items have so far have been completed, with around 300 still to be done. Included in the collection are rare pieces dating back to the Boer War period, including a Union Jack carried by Trooper Frederick James Smith of the

5th Victorian Mounted Rifles into battles in East Transvaal and the Natal frontier and a collection of framed photographs showing members of the Geelong Rifle Club, many of whom are understood to have been members of the 5th Victorian Mounted Rifles. Well done to all involved in the project, particularly the president of the Lara RSL, Bruce Challoner. This grant was part of the Victoria Remembers minor grant program, and it is a fantastic achievement by all. Well done, and congratulations.

City Basketball League

Mr HIBBINS (Prahran) (09:54) — I rise to congratulate the Prahran basketball team, who were grand finalists in the recent City Basketball League finals. The league was contested by teams from public housing estates across inner-city Melbourne. I was proud to sponsor the Prahran team, who were fantastic ambassadors for our community as they competed in each round at a different public housing estate, going undefeated in the regular season and making the grand final. Well done to Solomon Deng, Yor Nyangyok, B. J. Noble, Fource Nyieker, Johnny Darcy, Osman Farah and Brett Boscacci. Congratulations also go to coach Jeremy Corea, the man who put it all together, Steve Bacash, all those who helped out and of course Prahran's number one fan, Liz Charles.

Prahran high school

Mr HIBBINS — There is a lot of excitement in our community as progress toward the opening of the new Prahran high school continues. The new school has come a long way in the last four years, from securing a location and getting the extra funding required to construction, which is now taking shape on High Street. We now welcome the appointment of the new principal, Nathan Chisholm, who is engaging closely with our community. This school has been a real community effort, particularly by the School for Prahran community group and the new school planning group. It certainly has been one of my top priorities as the local MP. I look forward to further progress towards the school opening in 2019.

Pakistani community dinner

Ms HALFPENNY (Thomastown) (09:55) — I was very honoured to be invited to a family and friends gathering organised by Mr Rana Shahid, an active and well-respected member of the Australian Pakistani community in the northern suburbs. The enjoyable event was held on 21 April at the newly refurbished Barry Road community hall — refurbished thanks to the state Labor government's multimillion-dollar

contribution to renew and extend the venue. I would like to thank Mr Shahid, his wife and family for allowing me to share with them the delicious Pakistani food and culture. I was so very warmly welcomed and enjoyed every minute of the occasion. What more could one ask for than pleasant surrounds, good food and great company?

Lalor Gardens Primary School

Ms HALFPENNY — I had the great pleasure also of attending the Lalor Gardens Primary School assembly on Friday, 20 April. It was very informative to hear about the activities of the school community and the great work the students were doing. I felt so proud of all the students and their achievements. It was an extra special day because I was able to announce that the Andrews Labor government is funding the much-needed school gymnasium/school hall. The facility will include a music room, canteen and netball and basketball courts.

This extra funding brings the total amount of spending in the Thomastown electorate by the Labor government to well over \$360 million. The Liberals, when they were in power during the 2010–14 term, starved the electorate of Thomastown and spent a paltry less than \$40 million in the area. Shame on the Liberals, because such infrastructure is much needed and urgently required.

Anzac Day

Mr T. SMITH (Kew) (09:57) — I rise some two weeks after Anzac Day to pay tribute to my local community on the way that they recognised and reflected on Anzac Day. Kew RSL put on a wonderful parade on the Sunday before Anzac Day that was attended by hundreds of schoolchildren and members of the community, with a service also at Holy Trinity church. I was delighted to be invited to a number of schools in my electorate to recognise Anzac Day: Kew East Primary School, where the principal, Helen Fotheringham, always puts on a wonderful service; Kew High School, whose service was just magnificent, with all school members attending; North Balwyn Primary School, Sacred Heart Primary School and particularly Belmore School, a special school in my electorate that does wonderful work for children with special needs and that also had an Anzac Day service.

This year we celebrate and recognise and reflect on 100 years since the end of World War I and indeed 100 years since Australians took part in some of the most important battles in World War I. We reflect on Australians' service at Villers-Bretonneux on Anzac Day 1918, especially at the battles of Le Hamel, and

particularly Amiens in August 1918, which served as probably Australia's greatest ever battle in World War I. The Germans reflect on that as being the darkest day in the German army, when the Australians, led by Sir John Monash, and the Canadians led the allies for a 10 to 11 kilometre advance, crushing the German army.

Nillumbik public land

Ms WARD (Eltham) (09:58) — I thank my community for coming together recently to oppose a poorly thought-out and inappropriate plan by Nillumbik Shire Council to sell community reserves to developers. Nillumbik announced in January its proposal to sell off 17 reserves, causing shock and dismay in my community. My community charged into action, coming together to oppose this plan. Since January they have been hard at work with petitions, signs and banners, drone footage, rallies, creating community groups and Facebook pages, submissions to council, printing t-shirts, holding barbecues, organising phone trees and stories in the local paper and, importantly, making new friends and reconnecting with old. They stood strong for what they believed. Last week Nillumbik council made the right decision and saved 14 reserves. I wholeheartedly thank my community for their passion and advocacy.

DVE Aquatic swimathon

Ms WARD — Recently WaterMarc in Greensborough hosted DVE Aquatic's 50th anniversary swimathon. Over 24 hours members of the Diamond Valley Eltham aquatic club swam as many laps as possible to raise funds for the club and for Berry Street. In the club's 50-year history they have donated over \$66 000, with more to come this year, for which they are to be congratulated and commended. This year club members swam 29 315 laps, an incredible 732 kilometres, in 24 hours. Twelve members swam more than 1000 laps: Tess Haslam, Dylan Zipsin, Charli Campbell, Tara Draper, Roland Van Oorschot, Josh Rotin, Kate Murphy, Chantelle Campbell, Andrew Gilchrist, Iain Hebden, Alessia Napolitano and Semra Olowoniyi. A big thankyou to Ken Houghton, who coordinates this great event.

Anzac Day

Ms WARD — My community is to be commended for very special Anzac Day services this year at Eltham College, Eltham High School, the dawn service at the Eltham cenotaph and the march along Were Street to Montmorency-Eltham RSL. I thank the community for the hard work that goes into these moving memorials, including staff and students at Eltham High School and

Eltham College, and at the Eltham dawn service Rob Kilcullen, Ken Paynter, David Creteny, Joseph Alberti, Reverend Keren Terpstra, Lieutenant Commander Adam Shortis, Ann Lynch and Alan Field, and the amazing Eltham Rotary.

South Barwon electorate roads

Mr KATOS (South Barwon) (10:00) — Despite promises from the government to begin works on Lower Duneed Road and Mount Duneed Road, we are yet to see any works begin. This road is quickly becoming unsafe with 15 crashes on the road in seven years and people being seriously injured, including an accident this week. With the growth in population and road usage increasing further in the Armstrong Creek, Mount Duneed and Torquay North area, this road is only going to see further increases in traffic and, in its current state, regrettably more accidents. The minister, in response to my question in Parliament last year, said:

... Mount Duneed Road between Anglesea Road and Ghazeeepore Road will be repaired during February 2018.

Yet here we are at the start of May with no works even started, let alone completed — except there is a new sign saying 'rough surface'. Even a VicRoads regional director was quoted in the *Geelong Advertiser* as stating that upgrades were expected to start in 'early 2018'. I note that the design stage is still underway but no work is being done. It makes me wonder if this Labor government actually cares about safety, or are they all just all talk?

Bellbrae Primary School

Mr KATOS — I was pleased to once again attend the Bellbrae Primary School Mayfair, which aims to support the school and fundraise for the entire school community, with the proceeds this year going towards the facilities upgrade program. I took my youngest child, Jack, and there was plenty of excitement as there was everything you would expect from a country fair. Many children enjoyed the jumping castle, rides and petting zoo, and the cake stall and coffee shop seemed to be popular choices. I congratulate the entire Bellbrae Primary School community on another successful Mayfair, especially the acting principal, Christian Smith, and the entire team of volunteers, parents and teachers for running a very smooth event.

Eureka Stadium

Ms KNIGHT (Wendouree) (10:01) — What a fantastic weekend of footy. Firstly, Freo got an absolute shellacking from the Tiges, and then of course a terrific game of footy in Ballarat at Mars Stadium. It was such

a fantastic atmosphere. Everyone was enjoying themselves, the sun was out, the ground was perfect and the Doggies won. I just loved walking around the stadium and seeing families together enjoying an afternoon of AFL footy. With two games a year locked in for 10 years and planning money in the budget to look at the next stage of the stadium's development, I reckon there is a very bright future for AFL in Ballarat.

Of course not everyone is on board with the joy that footy brings. Not everyone is happy that Ballarat kids can see their heroes in their own backyard. Not everyone is embracing AFL Women's in Ballarat. Not everyone has the confidence that Ballarat can hold its own when it comes to stadium events. Cr Amy Johnson on 7 August 2017 stated that she did not think it — the stadium — was a good way to spend \$15 million. I think it is a great way to invest \$15 million — not only for elite sport but for our local community sport which benefits from this stadium. In the same article she also said she had always been critical of the project. Which is very strange, because she tweeted on 24 September 2016:

Loving watching the changes unfold at #Eureka Stadium with the first structural steel installed for the grandstand.

Meanwhile, while Cr Johnson is flip-flopping on her position, Labor will continue investing in Ballarat's sporting community. I would like to congratulate the Treasurer and thank him and the Minister for Sport for attending.

Anzac Day

Mr NORTHE (Morwell) (10:03) — Well done to all our local RSLs for their hosting of recent Anzac Day services, which were a tremendous success. Subsequent to this I had the pleasure of attending a thankyou lunch for volunteers of the Traralgon RSL, and I thank President Ron Culliver and his committee for their hospitality. A massive congratulations to Trevor Brand and the amazing band of volunteers who not only assist on Anzac Day itself but the days, weeks and months leading up to this important day on our calendar. The Traralgon RSL, along with support from local businesses, sponsors, schools and volunteers, raised an incredible \$26 000 through their Anzac Appeal efforts. Whether it is selling Anzac badges or Anzac biscuits, every dollar counts with moneys raised going toward such a great cause.

Tom Green

Mr NORTHE — A local student from Kurnai College, Tom Green, heads off to Barcelona shortly to take part in the Extreme Barcelona International Scooter Association World Final. At 17 years of age

Tom is doing his mother, Karen, and father, Mick, proud. Tom took part in the national titles at Warehouse 11 Studio in Sydney last month, finishing in the top 13, and he has now secured his ticket to go to Spain. We wish Tom every success on 12 June at the world final and with his future scooter endeavours.

Yallourn North Bowling Club

Mr NORTHE — I also wish to acknowledge Margot Rooney and Steve Lovison who have been founding members of the Yallourn North Bowling Club since its inception in 1976. The club has many dedicated members like Margot and Steve; however, the recruitment of more players and members would assist the club enormously. The current committee is also seeking assistance to redevelop their existing facilities. I strongly support the club in making this happen and hope the current state government will as well.

Sunshine Hospital

Ms SULEYMAN (St Albans) (10:04) — Last week I was pleased to welcome the Premier and the Minister for Health to Sunshine Hospital to see firsthand the progress of our \$200 million Joan Kirner Women's and Children's Hospital. I was extremely pleased to hear the Premier announce that Sunshine Hospital will receive \$29.6 million in this year's budget to redevelop the emergency department. What this means is 31 treatment spaces, a separate children's section, a medical imaging suite and an expanded administration area. It also includes a new crisis hub, which will take those who are dealing with serious mental health and addiction issues, ensuring that they get specialist care from health professionals. I would like to thank the Minister for Health and also all of the outstanding health professionals at Sunshine Hospital for their care and most importantly for providing care in very challenging times and circumstances. Only Labor builds hospitals and only Labor delivers for the west.

St Albans electorate schools

Ms SULEYMAN — On another matter, in this year's budget, Albion Primary School will receive \$1.3 million to upgrade the school. Thank you to principal Adrienne Williamson, the parents and the school community for their commitment to education. I also joined principal Lorraine Bell of Monmia Primary School in Keilor Downs last week for the fantastic announcement of \$100 000 to upgrade the library.

Harry Dean

Ms McLEISH (Eildon) (10:06) — I, like many other Liberals, are mourning the loss of Harry Dean. Harry was a remarkable man who led a remarkable and interesting life. Despite health difficulties, Harry always made it to party events, often driving considerable distances. He was a remarkable man. He had incredible integrity and a wonderful intellect and was warm and generous. He was greatly loved and will be greatly missed. We are all thinking of Margaret and Harry's family at this time.

Upper Yarra RSL schools service

Ms McLEISH — I took great pleasure in attending the Upper Yarra RSL for the schools service, which is put together and run by children from local Upper Yarra schools. The children in grade 6 from Warburton, Millwarra, Wesburn, Yarra Junction, St Joseph's, Launching Place, Woori Yallock, Don Valley, Gladysdale and Hoddles Creek primary schools all played active roles in the service and spoke very well in front of a large audience. Gladysdale Primary School captains Carter Morrissey and Jessica Bennett did a great job as this year's MCs. Prior to the service many of the children took part in wreath making. Following the service they had the opportunity to speak with veterans and members of the armed forces as well as look at displays that included photos, equipment, models and uniforms. Congratulations to the Upper Yarra RSL and to the education team of the Vietnam Veterans Association of Australia Victorian branch, all volunteers who willingly gave their time to help our younger generation understand their war.

Healesville U3A

Ms McLEISH — I also attended a hoot of an opening for the new premises for the Healesville U3A at the historic Healesville courthouse. Congratulations to everybody there, it was a great day.

JUSTICE LEGISLATION AMENDMENT (TERRORISM) BILL 2018

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 (Terrorism) Bill 2018.

In my opinion, the Justice Legislation Amendment (Terrorism) Bill 2018, 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 Justice Legislation Amendment (Terrorism) Bill 2018 (the **Bill**) implements a number of the recommendations of the Expert Panel on Terrorism and Violent Extremism Prevention and Response Powers (**Expert Panel**). In its first report the Expert Panel made recommendations to amend Victoria's laws with "the ultimate objective of making our community safer by maximising the ability of our law enforcement and other agencies to prevent and respond to the changing and dynamic nature of terrorism and violent extremism". The Expert Panel was mindful that excessive and repressive measures could be counter-productive, undermining unity and social cohesion, and accordingly it was careful to ensure that its recommendations were measured and proportionate, and included appropriate safeguards and limitations.

As recommended by the Expert Panel, the Bill amends the *Terrorism (Community Protection) Act 2003* (the **Act**) and other key Acts to:

- provide new powers and obligations for police relating to the detention of persons for the prevention of terrorist acts under a police detention decision (**PDD**);

- amend the provisions for granting a preventative detention order (**PDO**) and authorising the use of special police powers;

- allow for questioning and gathering of identification material of detainees who are subject to a PDO or detained under a PDD;

- extend the PDO scheme to children aged 14 and 15;

- provide stronger protection for counter-terrorism intelligence;

- amend certain aspects of Victoria's bail and parole schemes in relation to relevant offenders; and

- extend and expand the special police powers to protect persons attending events from a terrorist act; and prevent or reduce the impact of a terrorist act; and

- amend section 462A of the *Crimes Act 1958* to provide an instructive example of the ability of an officer to use force in certain circumstances.

Amendment of the Terrorism (Community Protection) Act 2003

The Expert Panel considered that significant changes should be made to Victoria's preventative detention laws that are contained in the Act. It was persuaded that this stronger approach is necessary and appropriate having regard to factors including:

- the unquestionably grave nature of the threat to community safety posed by terrorism and violent extremism, outlined by the Panel in its report;

the need for police to be able to respond quickly and effectively to threats that may emerge with little or no warning, and about which they may know very little;

the fact that a person in detention may be key to police progressing their investigation;

the complex nature of terrorism-related investigations and the need for police to collect and analyse large amounts of data and information to substantiate charges; and

the time required for police to prepare a PDO application.

The Expert Panel also noted the importance of national uniformity, to avoid the risk of creating “safe havens” for terrorist activities and to maximise the operational effectiveness of law enforcement authorities working across state borders. National uniformity is of particular significance in relation to the threshold criteria for activating powers to detain and question a person, the minimum age beyond which detention will not be permitted, the maximum period of detention, and the protection of criminal intelligence. The Bill carries out our commitment to strengthen pre-charge detention laws by allowing investigative detention, which is provided for in New South Wales legislation, and to work towards national uniformity in preventative detention powers.

In light of these considerations the Expert Panel recommended that Victoria’s preventative detention scheme be amended to:

empower an authorised police officer to take a person into custody for a maximum interim period of detention of 4 days without the requirement to first obtain an order from the Supreme Court;

empower police to question a person detained under that scheme; and

include an appropriate mechanism for the protection of sensitive criminal intelligence.

The Bill implements these recommendations.

Preventative Police Detention

Clause 9 of the Bill inserts a new Part 2AA into the Act to create a new scheme for preventative police detention of adults and children 14 years and older. New section 13AC empowers an authorised police officer to make a PDD in relation to a person, which authorises any police officer to take the person into custody for a period not exceeding the maximum police detention period of 4 days for adults (and 36 hours for children). New section 13AD requires a child to be detained at a youth justice facility unless it is reasonably necessary for the child to be detained in another place. Police detention decisions may be made by authorised police officers appointed by the Chief Commissioner of Police.

The purpose of preventative police detention is set out in new section 13AA. The Bill authorises detention to prevent a terrorist act that is capable of being carried out, and could occur, within the next 14 days, or to preserve evidence of or relating to a recent terrorist act. Detention will be authorised under new section 13AC when there are reasonable grounds to suspect: that the person either will engage in a terrorist attack, or; possesses or controls something that is connected

with a terrorist act, or; has done something to prepare or plan a terrorist act. The decision to detain a person must substantially assist in preventing a terrorist act occurring, and detention must be reasonably necessary for this purpose.

Detention will also be authorised under section 13AC where the authorised police officer is satisfied that a terrorist attack has occurred within the last 28 days, it is necessary to detain the person to preserve evidence of, or relating to, the terrorist attack and detention is reasonably necessary for that purpose.

Right to liberty and security of the person (s 21)

Section 21(1) of the Charter protects a person’s right to liberty and security. This general protection of a person’s right to liberty is supplemented by sub-sections that give specific content to the liberty right. In particular,

section 21(2) provides that a person must not be subject to arbitrary arrest or detention;

section 21(3) requires that a person must not be deprived of liberty except on grounds, and in accordance with procedures, established by law;

section 21(4) requires that a person who is arrested or detained must be informed at the time of arrest or detention of the reason for the arrest or detention; and

section 21(7) requires that any person deprived of liberty by arrest or detention is entitled to apply to a court for a declaration or order regarding the lawfulness of his or her detention.

The new preventative police detention scheme engages the right to liberty protected in section 21 by giving police new powers of detention. In my opinion, new Part 2AA limits the liberty rights protected in section 21 only to the extent necessary, and those limits are reasonable and demonstrably justified. Detention of a person under Part 2AA can only occur in circumstances where police consider it to be reasonably necessary to prevent a terrorist act occurring or to preserve evidence of a terrorist attack. This limit on the right to liberty in section 21 is proportionate to the grave threat posed to community safety by terrorism and violent extremism.

In my opinion new Part 2AA does not unreasonably limit the rights to liberty in sections 21(1) and 21(2) of the Charter. There are a number of features of the new Part 2AA that lead me this conclusion.

The first is that the Bill sets out identifiable criteria for the exercise of the powers of detention in Division 1 of new Part 2AA. There is therefore a rational connection between the detention and the purpose to be achieved.

The new Part 2AA establishes *maximum* periods of preventative police detention for adults and children. The period of preventative detention will be no longer than the period necessary to achieve the purpose of preventative police detention. The new section 13AZZG(2) requires a person in preventative police detention to be released prior to the expiry of the four days if the police officer detaining the person or the nominated senior police officer is satisfied that the grounds on which the police detention decision were made have ceased to exist. This is an important safeguard and protection of a person’s right not to be subject to arbitrary detention.

The Expert Panel determined that the maximum period of detention for adults should be 4 days, in light of the matters referred to in the First Report, including the gravity of the threat of terrorism and the benefits of having consistent laws between states to ensure efficiency of law enforcement responses to cross-border terrorist activity. The maximum detention period of adults of 4 days is accordingly adopted in line with the New South Wales model.

In respect of the maximum period of time that a child can be detained in preventative police detention, the Bill sets the maximum time as 36 hours. This is a significantly shorter maximum time than that provided for adults detained under the new scheme. Clause 11(2) of the Bill requires that an application for a PDO in respect of a child be made as soon as practicable but no later than 36 hours after the child is taken into custody. This requirement emphasises the need to bring a child before a court as soon as possible and ensures that 36 hours is the outer limit for which a child may remain in custody under preventative police detention. The maximum length of detention of a child under Part 2AA is reasonable and demonstrably justified having regard to the reasons identified above in respect to detention of adults.

The Bill recognises the particular vulnerability of children and contains important safeguards to protect children who are detained in preventative police detention, which I discuss below in relation to section 17(2) of the Charter.

There is an extensive oversight framework in the Bill to ensure that detention does not become arbitrary.

When a person is detained in preventative police detention, the Chief Commissioner of Police will have legal custody of that person and will nominate a senior police officer to perform an oversight role in relation to the detention. The nominated senior police officer will be responsible for periodic reviews of the detention that will be undertaken when a person is taken into custody and at least every 12 hours after that time.

The Bill also establishes an active role for the Public Interest Monitor (**PIM**) in respect of a person detained in preventative police detention. The PIM has a role in overseeing a PDD from the outset, and continuing during detention, as, under new section 4G, an authorised police officer is required to notify the PIM of the making of a police detention decision as soon as practicable after the decision is made.

At any time during detention, a person may contact either the Ombudsman or the Independent Broad-based Anti-corruption Commission (**IBAC**). In addition, police must advise the Victorian Inspectorate of a police detention decision.

These are important safeguards that ensure that there is proportionality between preventative police detention and the need to protect community safety from threats posed by terrorism and violent extremism.

A deprivation of liberty under the new Part 2AA would not limit the right in section 21(3) because it will take place on grounds and in accordance with procedures established by law. The circumstances in which someone may be detained are clearly set out in new Part 2AA and involve a police officer being satisfied that reasonable grounds exist for the detention. New section 13AC of the Bill requires preventative police detention to be reasonably necessary to achieve a purpose set out in the Bill. Further, new section 13AZZG(2)

provides that detention must end if police are satisfied that the grounds for detaining the person have ceased to exist.

The right protected in section 21(4) will also not be limited. After a police detention decision is made, new section 13AK requires a written summary of the grounds on which the police detention decision was made to be given to the person being detained as soon as practicable. This summary is in addition to the requirement in new section 13AI of the Bill for the person taken into custody to be informed they are being taken into custody for the purposes of detention under new Part 2AA.

Some of the liberty rights are not engaged by the Bill. The rights in sections 21(5) and (6) are not engaged because they are rights of a person arrested or detained on a criminal charge. A person detained under the new preventative police detention scheme will not have been arrested or charged at the time of this detention.

Although strictly speaking section 21(5) may not be engaged, in the case of children the right is nonetheless protected in the Bill by clause 11, which will insert a new section 13C(1A) into the Act. The amendment requires a police officer to make an application for a preventative detention order for a child in detention under Part 2AA as soon as practicable, but no later than 36 hours, after the child is taken into custody.

The right to challenge the lawfulness of detention, in section 21(7) of the Charter, is not limited by the Bill. The Bill does not preclude a person who is subject to preventative police detention from bringing legal proceedings in respect of the lawfulness of this form of detention. Section 13AZV ensures that a person detained under Part 2AA will be able to contact a lawyer to obtain advice and seek a remedy about the PDD. While the Bill makes provision for police to monitor contact between a person in detention and their lawyer, any monitoring is carefully circumscribed in new section 13AZY and does not prevent access to a lawyer. If the provisions in the Bill on monitoring contact between a detainee and his or her lawyer limit the right in section 21(7), in my opinion the limitation is reasonable and demonstrably justified for the reasons I discuss in relation to new section 13AZY.

Under new section 13AZY, monitoring contact between a detainee and his or her lawyer will not automatically occur under the Bill. It must be authorised by the senior police officer who has been nominated to oversee the detention, and that officer needs to be satisfied that it is reasonably necessary. The effect of this limitation on monitoring of contact between a detainee and his or her lawyer is that monitoring of communications between them is an exception to the usual position that such contact will not be monitored. If a person is not allowed to contact his or her own lawyer because of the risk involved in them doing so, the police must provide reasonable assistance to assist the person in detention to choose another lawyer.

Right to humane treatment when deprived of liberty (s 22)

Section 22(1) provides that all persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person. In my view, the Bill does not limit the right in section 22(1) of the Charter.

New section 13AY of the Bill promotes this right by requiring a person taken into custody or detained to be treated with humanity and with respect for human dignity and not to

be subjected to cruel, inhuman or degrading treatment by anyone exercising authority or implementing or enforcing the police detention decision. The Bill establishes a new criminal offence to treat a person in this way. In addition, police officers are public authorities under the Charter and have a duty under section 38(1) of the Charter to act compatibly with human rights, including the right to humane treatment when deprived of liberty and protection from cruel, inhuman or degrading treatment.

The Bill contains other mechanisms that protect the right in section 22(1) of the Charter, including the requirement for 12 hourly periodic reviews by a senior police officer that are set out in new section 13AZZN. The nominated senior police officer also has an obligation to notify the Ombudsman and the IBAC that a person has been taken into custody for preventative police detention. Further notifications must be made for a child taken into custody.

The Bill provides further protections for a person's right in section 22(1) of the Charter in respect of questioning during preventative police detention.

Protection of privacy and correspondence from unlawful or arbitrary interference (s 13(a))

As noted above, new Part 2AA restricts the contact that a person in detention may have with another person, including their lawyer. While a person is in detention, new section 13AZX provides that communications with another person may only take place if they can be 'effectively monitored' by a police officer. Communications with a person's lawyer may also be monitored under section 13AZY but only if the nominated senior police officer is satisfied that it is reasonably necessary.

In my view, new sections 13AZX and 13ZY do not involve an unlawful or arbitrary interference with privacy. However, if they do, any limitation on the right in section 13(a) is reasonable and demonstrably justified. There is no unlawful interference because the restrictions on communication between a person in detention and other persons is clearly set out in the Bill. In my view, new sections 13AZX and 13AZY are reasonable and proportionate. The purpose of these provisions is to prevent a terrorist act and to preserve evidence of a terrorist act. Monitoring communications in certain circumstances ensures that contact between a person detained and his or her family members and other persons does not interfere with gathering information about a terrorist act, lead to the destruction of evidence, allow for another person to abscond or cause serious harm to others.

Right to a fair hearing (s 24)

A person charged with a criminal offence or a party to civil proceedings has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

The restrictions on confidential communication between a detainee and other people, including his or her lawyer, most likely engage the fair hearing right. Although a person detained under preventative police detention is not charged with a criminal offence, the person may later be charged or become the subject of an application for a PDO under Pt 2A of the Act. In my view, the fair hearing right is therefore engaged.

The confidentiality of communications between a person and their legal representative is an essential aspect of the right to

fair hearing. The restrictions on confidential communication between a detainee and other people including his or her lawyer limit the fair hearing right in section 24(1).

In my opinion, the limitation is reasonable and demonstrably justified. As I have already noted, the purpose of these provisions is to prevent a terrorist act and to preserve evidence of a terrorist act. Monitoring communications ensures that contact between a person detained and his or her family members and other persons does not interfere with gathering information about a terrorist act, lead to the destruction of evidence, allow for another person to abscond or cause serious harm to a person. The Bill prohibits the use of information obtained from monitoring contact between a detainee and his or her lawyer in any proceeding in a court or tribunal. In addition, it prohibits the derivative use of any information that may be obtained during monitoring. The restriction imposed by the Bill is in my opinion proportionate.

Right against self-incrimination (s 25(2)(k))

A person has a right not to be compelled to testify against himself or herself. By providing for monitoring of contact between a detainee, the right against self-incrimination may be affected. The Bill prohibits the use of information obtained from monitoring contact between a detainee and his or her lawyer in any proceeding in a court or tribunal. In addition, it prohibits the derivative use of any information that may be obtained during monitoring. These are important protections against the right to self-incrimination being unjustifiably undermined.

Rights in criminal proceedings (s 25(1))

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law.

New section 13AO(4) creates an offence that contains a 'reasonable excuse' exception, which may be seen to place an evidential burden on the accused. New section 13AO requires a person to provide their name and address to a police officer carrying out a PDD under new section 13AH. If the person refuses to provide the information, or provides information that is false in a material particular, the person commits an offence under the Act unless they have a reasonable excuse.

By creating a 'reasonable excuse' exception, new section 13AO(4) may be viewed as placing an evidential burden on the accused, in that it requires the accused to raise evidence of a reasonable excuse. However, in doing so, this offence does not transfer the legal burden of proof. Once the accused has pointed to evidence of a reasonable excuse, which will ordinarily be peculiarly within their knowledge, the burden shifts back to the prosecution to prove the essential elements of the offence. I do not consider that an evidential onus of this kind limits the right to be presumed innocent, and courts in other jurisdictions have taken this approach.

Restrictions on disclosure of information relating to detention

Division 11 of New Part 2AA makes it an offence for detainees (new section 13AZZP), lawyers (new section 13AZZQ), parents or guardians of detainees (new sections 13AZZR and 13AZZS), interpreters (new section 13AZZU), recipients of protected information (new section 13AZZV) and people who monitor contact between a detainee and lawyer (new section 13AZZW) from disclosing

certain information to another person except for in circumstances permitted by the Bill.

A person cannot disclose the following information:

the fact that a police detention decision has been made in relation to the detainee;

the fact that the detainee is being detained pursuant to new Part 2AA;

the fact that contact has been prohibited under new Part 2AA;

any information that the detainee gives to the person in the course of contact with the detainee;

in the case of a recipient of protected information, any of the information listed immediately above disclosed to them by any person.

Freedom of expression (s 15)

Section 15 of the Charter provides that every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, in a medium chosen by the person. By prohibiting the disclosure of certain information, and creating offences if disclosure occurs, Division 11 of new Part 2AA engages section 15.

Section 15(3) creates an internal limitation to the freedom of expression. Subsection (3) notes that special duties and responsibilities are attached to the right of freedom of expression and the right may be subject to lawful restrictions reasonably necessary for the protection of national security, public order, public health or public morality (s 15(3)(b)).

The prohibitions on disclosure of information in the preventative police detention scheme are created to ensure the efficacy of the preventative police detention scheme in responding to and preventing terrorist activity. The purpose of the scheme is significant to the protection of the community and can be reasonably seen to address each of the public interest concerns listed under section 15(3)(b). I note that, even in such extraordinary circumstances as those envisaged by the Bill, provision is nonetheless made for disclosure of information to ensure the detainee's ability to access legal advice and representation, and to ensure the detainee's welfare in having parents and guardians notified of detention under the scheme.

Children in preventative police detention

The new Part 2AA applies to children from the age of 14 years. The minimum age for a child to be detained in preventative police detention is justified on the basis of evidence, accepted by the Expert Panel in its second report, of the involvement of children as young as 14 years in the planning, preparation and carrying out of a terrorist act. The reality is that minors, even children as young as 14, can present as a terrorist threat.

Protection of children in their best interests (s 17(2))

Section 17(2) of the Charter gives a child a right to protection in his or her best interests.

There are a number of modifications in Part 2AA to take into account the special and vulnerable position of children. These

modifications include appropriate safeguards to protect children. Under the Bill, the maximum period of detention for children is much shorter than for adults. Children may be detained for up to 36 hours, as opposed to 4 days for adults. As noted above, under new section 13AD, children will be detained in a youth justice facility unless the authorised police officer is satisfied that it is reasonably necessary for the child to be detained elsewhere. The Bill requires, with limited exceptions, a parent, guardian or independent person to be present during questioning of a child, and allowed to communicate with a child before any questioning takes place. An independent person will be present if a parent or guardian is unavailable (new section 13AZG(2)(a)). Further, a police officer must request Victoria Legal Aid to arrange for a lawyer to be present during questioning where the child or their parent or guardian has not made arrangements for a lawyer (new section 13AZG(3)). If the child refuses legal advice or representation, the lawyer must remain present for questioning as a further independent person. Any questioning of a child must be recorded by audio-visual means (new section 13AZK(2)).

The Commission for Children and Young People (CCYP) has an important oversight role for children in the Bill. New section 13AZZM requires the nominated senior police officer to give written notice to the CCYP, when a child is taken into custody under the new Part 2AA. In addition, the Ombudsman and the IBAC must be notified that a child has been taken into custody under the new Part 2AA.

The Bill provides the CCYP with an active monitoring role, in addition to the monitoring role of the PIM. New Part 1B explains that the functions of the CCYP are to monitor and promote the rights of a child detained under Part 2AA or under a PDO, provide advice to the Attorney-General or the Chief Commissioner about the treatment of a child, and other functions as prescribed (new section 4O). The CCYP must be given access to a child that is in detention (new section 4P), must be given access to documents and information relating to a child's treatment while detained under Part 2AA or a PDO (new section 4Q) and the Chief Commissioner and the Secretary to the Department of Justice and Regulation are required to ensure the CCYP is provided with assistance for the reasonable exercise of the CCYP's functions and powers (new section 4R).

It is possible that a child under 14 years of age will be detained in error. If this were to occur, the Bill requires a child under 14 years of age mistakenly detained to be released without delay (new section 13AG).

In my opinion, the Bill does not limit a child's right to be protected in his or her best interests.

Child's right to be segregated from adults (s 23(1))

The Bill requires children to be separated from adults in detention. For this reason, the right in section 23(1) is not limited and I consider the Bill is compatible with it.

Questioning during preventative police detention

The new Part 2AA provides for questioning during preventative police detention. The questioning provisions are contained in Division 6 of the new Part. Under new section 13AZC police may question a person during the period of preventative police detention in relation to:

a terrorist act in relation to which the police detention decision was made; or

any other terrorist act that occurred within 28 days before the police detention decision was made, or that there are reasonable grounds to suspect could occur within 14 days after the day on which the police detention decision was made.

Right to liberty and security of the person (s 21)

In my view, section 21 of the Charter is not engaged by the questioning provisions in new Part 2AA of the Bill. While the Bill will permit questioning during preventative police detention, it does not permit a person to be detained solely for the purpose of questioning. A person may only be detained under Part 2AA for the purpose of preventing a terrorist act that may occur, or preserving evidence of a terrorist act that has occurred, and if the other criteria in section 13AC exist.

It may, however, be argued that the power to question a person in preventative police detention in the Bill involves a further limit on the detained person's rights to liberty under section 21 of the Charter. If questioning during detention is a further limit on the liberty right, I consider it to be a justified limitation. Preventing and investigating terrorism is clearly a very important purpose, and being able to question a person in detention will assist police to achieve that purpose. The Bill contains important protections for a detainee's rights during questioning. New section 13AZC(2) ensures that the right to silence is retained by the detainee. The Bill also contains important additional safeguards on questioning in new sections 13AZC(3)–(5), which I consider reasonable under section 22 of the Charter.

Right to humane treatment when deprived of liberty (s 22)

The Bill provides safeguards for questioning a person during preventative police detention in section 13AZC. The detainee must have a rest from questioning for a continuous period of 8 hours in any 24 hours of detention, as well as other reasonable breaks during questioning. Questioning is to be deferred to allow for an interpreter to attend, and to enable contact with a lawyer or consular official. Questioning will be recorded by video recording if it is practicable to do so, or if not, an audio recording may be made (new section 13AZK(3)). In my opinion, these safeguards, as well as the general obligation of police as public authorities under the Charter, mean that questioning will be compatible with the right in section 22(1) of the Charter.

Taking and using identification material

New section 13AZZD of the Bill allows police to take "identification material" from most detainees, including without consent and with reasonable force, for a purpose set out in the Bill. Identification material is defined in clause 4 of the Bill and includes samples taken from the person's body, as well as photographs of the person.

The Bill does not allow identification material (other than hand prints, finger prints, foot prints or toe prints) to be taken from a child, unless the Children's Court orders that it may be taken. A similar prohibition applies to taking identification material from a person who is incapable of managing his or her affairs. In that case, identification material may only be taken if the Magistrates' Court orders that it may be taken.

Protection of privacy and correspondence from unlawful or arbitrary interference (s13(a))

The taking of a sample, as well as the retention of records of sampling obtained, engages the right to privacy in section 13(a) of the Charter.

In my opinion, the provisions of the Bill permitting forensic samples to be taken are compatible with section 13(a) of the Charter because they do not involve an unlawful or arbitrary interference with privacy.

The Bill permits identification material to be taken from a detainee, but in clearly outlined circumstances. Identification material can only be taken if the person consents or if the police believe on reasonable grounds that it is necessary to take the sample to confirm the person's identity, or to document an illness or injury suffered by them during detention. The use to which identification material may be put is limited by new section 13AZZE. The material must be destroyed at the end of a holding period of 12 months, if there are no ongoing proceedings in respect of the preventative police detention decision or the person's treatment in detention. In my opinion, for these reasons the provisions concerning identification material are proportionate to the purposes for which the material can be taken and do not involve an arbitrary interference with privacy.

Protection of children in their best interests (s 17(2))

New section 13AZZD permits identification material to be taken from a child, and may engage a child's right to protection in his or her best interests under section 17(2) of the Charter.

In my opinion, because the Magistrates' Court or the Children's Court must authorise identification material to be taken, the power to take identification material from a child in s 13AZZD is compatible with section 17(2).

Further, the circumstances in which identification material may be taken from a child is compatible with section 17(2). New section 13AZZD(6) requires that a child's parent or guardian or appropriate person, acceptable to the child and capable of representing the child's interests, is present when identification material is taken.

Amendments to PDO framework

The Bill amends the existing Part 2A of the Act to strengthen the PDO framework, in line with the recommendations of the Expert Panel. The principal amendments to Part 2A made by the Bill are:

removing the prohibition on questioning a person detained under a PDO, currently in section 13ZK of the Act; and

lowering the age of a child who can be subject to a PDO from 16 years to 14 years.

Removal of prohibition on questioning a person detained under a PDO

The Act currently provides for detention under a PDO. These orders are made by the Supreme Court of Victoria. The amendments in the Bill remove the current prohibition on questioning during detention under a PDO, but give power to

the Supreme Court to prohibit or place limitations on questioning as a condition of a PDO.

Right to liberty and security of the person (s 21)

I have already stated my view that the power to question a person detained in preventative detention does not engage the right to liberty in section 21 of the Charter. The Supreme Court may only make a PDO if satisfied of the criteria in section 13E(1)(a) or (b), for the purpose of preventing a terrorist act occurring or preserving evidence of a terrorist act that has occurred.

I note, however, that permitting questioning may be considered to be a further limit on the detained person's rights to liberty under section 21 of the Charter and that if it is, it is a justified limit. The same considerations and conclusions apply to questioning under a preventative detention order. In my view, if the removal of the prohibition on questioning is regarded as a further limit on the right to liberty, the limitation is justified for the same reasons as I identify above in relation to preventative police detention.

Humane treatment when deprived of liberty (s 22)

Permitting a person to be questioned while detained on a PDO could interfere with the right in section 22(1) of the Charter.

The Bill contains a range of protections for a person being questioned while detained under a PDO. The duration of the questioning must be reasonable, with at least 8 hours of continuous rest in any 24 hour period, and additional reasonable breaks from questioning. Questioning is to be deferred to allow for an interpreter to attend, and to enable contact with a lawyer or consular office. Questioning must be recorded in accordance with Subdivision 3 of Division 5A. The Supreme Court may limit or prohibit questioning as a condition of the order if it is satisfied that in all the circumstances it is appropriate to do so.

In my opinion, these safeguards, as well as the obligation of police officers under section 38(1) of the Charter to act compatibly with human rights, will ensure that the amendments in the Bill to permit questioning are compatible with section 22(1) of the Charter.

Lowering the minimum age from 16 to 14

Amending the PDO framework to lower the minimum age from 16 to 14 was recommended by the Expert Panel based on evidence of the involvement of children as young as 14 years in the planning, preparation and carrying out of terrorist acts.

Protection of children in their best interests (s 17(2))

There are already provisions in Part 2A of the Act to take into account the special and vulnerable position of children. Section 13WA provides for a child subject to a PDO to be detained in a youth justice facility rather than a prison, section 13ZBA requires that a child not be detained together with adults, and there are special contact rules for children under section 13ZH.

The Bill will include further safeguards to protect children detained under a PDO:

a requirement to notify the Commission for Children and Young People of any PDO made in relation to a child, in new section 13F(11);

the addition of the Commission for Children and Young People to the persons who may make representations to the nominated senior police officer in relation to the carrying out of the PDO, in new section 13P(7)(ba);

an entitlement to contact the Commission for Children and Young People, under new section 13ZFA, supplemented by new sections 13X(2)(ga) and 13ZC(2)(c); and

a prohibition on questioning a child unless a parent or guardian or independent person is present and has been allowed to communicate with the child before questioning commences, under new section 13ZNF; and

the requirement for a police officer to request Victoria Legal Aid to arrange for a lawyer to be present during questioning where the child or their parent or guardian has not made arrangements for a lawyer (new section 13ZNF(3)). Where the child refuses the legal assistance of the lawyer arranged by Victoria Legal Aid, that lawyer will be a further independent person present during questioning.

In my opinion, the Bill does not limit a child's right to be protected in his or her best interests.

Child's right to be segregated from adults (s 23(1))

The Act already requires children subject to a PDO to be detained separately from adults. The amendment to lower the minimum age to 14 therefore does not limit the right in s 23(1) of the Charter.

Special police powers

Extension of existing special police powers to Protective Services Officers

Division 3 of Part 2 of the Bill amends Part 3A of the Act to expand the use of existing special police powers to Protective Services Officers (PSOs), without supervision by a police officer. Currently, PSOs are able to use special police powers only under the direction and control of a member of the police force following the issuing of an authorisation or interim authorisation by the Chief Commissioner or Governor in Council.

Clause 51 of the Bill includes PSOs in section 21K of the Act so that a PSO may exercise special police powers. The extension of special police powers means that in certain circumstances in which there is a risk of terrorist related acts, and subject to certain criteria, PSOs are able to request proof of a person's identity (and detain the person for as long as is necessary for the purpose of doing so); search a person or a vehicle without a warrant; move a vehicle; enter and search premises; place a cordon around a target area; seize and detain things; and use reasonable force for the purpose of exercising these powers. Schedule 1 of the Act clarifies that a person may only be strip searched in limited circumstances. This is where the person is suspected of being the target of the authorisation, and the strip search is necessary to the search, and the seriousness and urgency of the circumstances require the strip search to be carried out (item 4 of Schedule 1).

These special police powers, made available to PSOs by this Bill, raise a number of Charter rights; in particular, the rights to privacy, freedom of movement, liberty, and property. As discussed in the Statement of Compatibility for the *Terrorism (Community Protection) Amendment Bill 2015*, I consider the special powers to be compatible with each of these rights. In my view, the extension of these existing powers to PSOs does not give rise to any additional Charter issues. PSOs are already entrusted to protect places of significance, public office holders (including the Premier), and to maintain the safety of the Victorian community more generally. It is appropriate that PSOs are further entrusted with special police powers to supplement the role of police officers where authorisation for special police powers has been given pursuant to the strict requirements contained in Division 2, Part 3A of the Act.

The circumstances in which the Chief Commissioner or Governor in Council may issue an authorisation or interim authorisation for the exercise of special police powers are strictly confined and subject to stringent requirements. Specifically:

Section 21D of the Act, as amended by Division 3 of Part 2 of the Bill, provides that the Chief Commissioner may, with the written approval of the Premier (or without such approval if the Premier or a Minister with delegated power is not reasonably able to be contacted), issue an interim authorisation (for 48 hours) in circumstances where the Commissioner is satisfied on reasonable grounds that a terrorist act is occurring or about to occur and that special police powers will substantially assist in preventing or reducing the harm of that act. The Commissioner may then apply for an order from the Supreme Court authorising the powers for up to 14 days. Section 21E provides for an interim authorisation or authorisation on similar terms in circumstances where the Commissioner is satisfied that the powers will substantially assist in the investigation of, or recovery from, a terrorist act.

Section 21B of the Act provides that the Chief Commissioner may, with the written approval of the Premier, apply to the Supreme Court for an order authorising the exercise of the powers only if the Commissioner is satisfied that: an event is taking place that will attract a large number of people or certain prominent people; might be the subject of a terrorist act (on reasonable grounds); and an authorisation is necessary to assist in protecting persons attending the event from a terrorist act. The application must set out the grounds relied on and specify the particular powers sought. The Supreme Court may then only grant the order if satisfied on reasonable grounds that it is necessary to ensure the safety of persons attending the event. The authorisation is valid for no longer than 24 hours after the conclusion of the event.

Section 21F provides that the Governor in Council may issue an authorisation to protect essential services from a terrorist act. This can only be done on the recommendation of the relevant Minister (who must be satisfied of certain things), made with the approval of the Premier and in accordance with the advice of the Chief Commissioner.

In my view, in circumstances where PSOs form a class of person with similar responsibilities and training to that of

police officers, and given the extraordinary nature of the events that would precipitate the issuing of an interim authorisation, or authorisation, the extension of special powers to PSOs is appropriate and does not raise any additional Charter issues.

Additional special police powers

In addition to the powers listed above, the Bill introduces new powers which may be used by a police officer or a PSO. Specifically:

New section 21SA provides that where premises are within an area covered by an authorisation, and a police officer or a PSO believes on reasonable grounds that the use of the premises is necessary for the purposes of the authorisation, the officer may evacuate the premises, exclude any person from the premises, remove any person who does not comply with a direction to evacuate or who attempts to enter the premises after being removed, direct any person to remain in the premises and disconnect or shut off utilities or other services to the premises.

The officer must ensure that as little damage is done to the premises as reasonably possible. Where only a part of the building or vehicle is within the target area, an officer is able to exercise the powers listed in respect of any part of the building or vehicle.

New section 21SB provides that where a thing is within a target area and a police officer or PSO reasonably believes that the use of the thing is necessary for the purposes of the authorisation, the officer may take control of the thing, operate the thing in a specified manner, take possession of the thing without warrant and make use of the thing.

The officer must ensure that as little damage is done to the thing as reasonably possible.

New section 21SC requires the Minister to provide compensation for any loss or damage caused by an officer, or a person assisting an officer, in exercising the powers introduced by new sections 21SA and 21SB.

New sections 21SA and 21SB are introduced on the basis of the clear practical benefit of extending existing special powers to allow police officers and PSOs to take control of premises and things for operational reasons related to the purposes of the authorisation as outlined above and in sections 21B, 21D, 21E and 21F of the Act. The ability of officers entrusted with special powers under an authorisation to employ premises and things to their advantage, and to direct people in and out of premises or around the utilisation of things, is crucial to the purposes of the authorisation, and allows police officers and PSOs to reasonably consolidate their ability to respond effectively to a terrorist act or threat. In the absence of this power, the ability of officers to respond effectively may be significantly undermined. For example, currently, police rely on the consent of an owner or occupier of a property for use of relevant premises. In circumstances where consent is refused (for example, to enter and evacuate a neighbouring property), operational objectives may be hindered. The Expert Panel recommended inclusion of the powers in new sections 21SA and 21SB to ensure that police and PSOs are able to operate efficiently with the use of every reasonably available resource.

Right to privacy (s 13(a))

Section 13(a) of the Charter provides that a person has the right not have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. The very nature of the provisions under new sections 21SA and 21SB is to allow interference with a person's home, premises or possessions and allows such interference without the consent of the person. The right to privacy under the Charter, however, is only limited where an interference is unlawful or arbitrary.

Any interference with privacy will not be unlawful as police officers and PSOs will be exercising powers pursuant to the Act following the issuing of an authorisation or interim authorisation. Nor will any interference be arbitrary. An officer may only employ powers under sections 21SA and 21SB in circumstances where it is necessary for the purposes of the authorisation or interim authorisation. Further, I note that authorisations and interim authorisations are given in very limited, extraordinary circumstances as outlined above. In my view, the powers prescribed under sections 21SA and 21SB are appropriately and sufficiently constrained and subject to proper process. In these circumstances, it is my view that the additional powers contained in new sections 21SA and 21SB do not limit section 13 of the Charter.

Right to property (s 20)

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. As discussed above, to the extent that the powers under new sections 21SA and 21SB allow a police officer or PSO to deprive a person of their property, these powers are conferred by legislation and are enunciated in a clear and precise manner. Police officers and PSOs may only deprive a person of their property where there is a reasonable belief that the use of the thing is necessary to the purposes of the authorisation or interim authorisation.

In my view, as the ability of police and PSOs to seize and use property is defined and limited by law, and within the bounds of the purposes of a particular authorisation or interim authorisation, the right is not limited by the additional special police powers.

Rights to freedom of movement (s 12) and liberty (s 21)

The additional police powers in new section 21SA allow a police officer or PSO to remove a person from the premises, to direct any person to remain in the premises or to operate machinery or equipment at the premises. Under new section 21SB, an officer may direct an owner of a thing to operate the thing in a specified manner. An officer is permitted to use reasonable force to enforce these powers.

Section 12 of the Charter provides that every person in Victoria has the right to move freely within Victoria. The powers of officers to direct and restrict movement of persons in the circumstances outlined above may limit a person's rights under section 12 of the Charter. However, in my view any such limitation is reasonably justified under section 7(2) of the Charter and therefore compatible. The seriousness and urgency of the objective of mitigating and preventing the risk of terrorist acts, and the existence of the embedded safeguards, judicial oversight and constrained authorisation processes as outlined above, mean that the powers under sections 21SA and 21SB are proportionate. This is

particularly so when it is considered that police powers are to be used in extremely constrained circumstances and limited by the purposes of the authorisation or interim authorisation that enlivens them, and the time period for which the authorisation or interim authorisation is given.

For the same reasons, to the extent that the restrictions on movement (in particular, a requirement to stay on a premises) may amount to detention in some circumstances may also be relevant to section 21 of the Charter, which provides that all persons have the right to liberty and security of the person (including the right to not be arbitrarily detained), in my view, any such detention will not be arbitrary and therefore compatible with the Charter.

Protection of counter-terrorism intelligence

The Bill amends Part 5 of the Act to create a new scheme for the protection of counter-terrorism intelligence. Currently Part 5 of the Act provides for the protection of counter-terrorism intelligence by allowing a court to:

Excuse a person from disclosing counter-terrorism information in legal proceedings in certain circumstances (s 23); and

Inspect a document for the purpose of making a determination in relation to disclosure of the information (s 24).

The court may make a determination to excuse the disclosure of counter-terrorism intelligence in the circumstances outlined in section 23(1) of the Act:

Where the disclosure would prejudice the prevention, investigation or prosecution of a terrorist act or suspected terrorist act; and

The public interest in preserving secrecy or confidentiality outweighs the public interest in disclosure.

Currently, the Act does not allow the court to take action in applications made under the Act in relation to PDOs and PCOs where the respondent has not been provided with evidence related to that application. A key concern raised in relation to the current protection framework for counter-terrorism intelligence is that the framework discourages law enforcement agencies from producing pertinent information before the court as there is a reasonable concern that sensitive information will be shared and compromise law enforcement operations and practice. This concern was brought to the attention of the Expert Panel particularly in the context of applications for a PDO. As I have already noted, the Expert Panel recommended that the Act be amended to include a more appropriate regime for the use of sensitive criminal intelligence.

Amending Part 5 of the Bill fortifies the counter-terrorism intelligence framework and creates robust protections for sensitive information while providing for fairness in procedures before the court.

A new definition of 'counter-terrorism intelligence' is inserted into section 3 of the Act with the term defined as:

any information, document or other thing relating to a terrorist act or suspected terrorist act in Victoria or elsewhere, the disclosure of which could reasonably be expected to —

prejudice a criminal investigation, including by revealing intelligence-gathering methodologies, investigative techniques or technologies, or covert practices; or

enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement;

endanger a person's life or physical safety; or

prejudice national security.

Division 1 of Part 5 allows the Supreme Court to excuse a person from an obligation to disclose counter-terrorism intelligence in any legal proceeding. The Court can excuse a person from disclosing counter-terrorism intelligence if satisfied that the public interest in preserving secrecy or confidentiality outweighs the public interest in disclosure of the intelligence.

Division 2 of Part 5 applies to the protection of counter-terrorism intelligence in 'substantive applications' made under the Act which includes an application for a PDO. It provides that an authorised police officer may make an application for a counter-terrorism intelligence protection order (**protection application**) in relation to any information, document or other thing related to a substantive application that the officer believes on reasonable grounds is counter-terrorism intelligence.

Division 3 of amending Part 5 sets out the procedural requirements for protection applications, and for applications relating to PDOs and PCOs involving protected counter-terrorism intelligence. Division 3 also deals with the appointment of special counsel to represent respondents in protection applications or for any part of an application made under the Act where protected counter-terrorism intelligence is at issue. Division 3 only applies to an application issued under the Act and not to other proceedings

The right to a fair hearing (s 24) and the right to liberty and security of the person (s 21)

The right to a fair hearing in section 24 of the Charter includes a requirement that a party must be given a reasonable opportunity to present their case in conditions that do not place them at a disadvantage vis-à-vis their opponent. This principle is often referred to as 'equality of arms'. Statutory provisions permitting a court to have regard to material not disclosed to a party to a proceeding necessarily engage the right to a fair hearing (s 24).

Section 21 of the Charter provides that every person has the right to liberty and security of the person. Where a person who is party to a proceeding is unable to view information pertinent to the case against them, and where the purpose of the proceedings is to grant or refuse an order for the person's detention, the lack of provision of that information engages section 21 of the Charter.

New section 27 sets out the process for determining a protection application and makes clear that the Supreme Court can and must have regard to any prejudice or unfairness to the subject of the substantive application (**the subject**) in assessing whether to make the protection order. The Court must be satisfied that the reasons for maintaining the confidentiality of the counter-terrorism intelligence outweigh any prejudice or unfairness to the subject (new section 27(1)).

Additionally, I note that section 135 of the *Evidence Act 2008* allows the Court to have regard to any unfair prejudice to the subject in determining subsequently to admit the evidence. Further, what weight (if any) is placed on the evidence will be a matter for the Court, and may depend upon the extent to which the subject has been able to challenge any undisclosed material. Finally, the Court also retains its inherent jurisdiction to stay the proceeding as an abuse of process if it concludes that the hearing cannot be conducted fairly.

New section 32 provides for the appointment of a special counsel to represent the subject in protection applications. The Court may appoint a barrister who has the appropriate skills to represent the subject in a protection application as special counsel. New section 33 sets out the role of special counsel. The special counsel is to receive a summary of the grounds on which the protection application is sought and is able to communicate with the subject in relation to this information. After special counsel has sought instructions from the subject, special counsel will be provided with a copy of the intelligence which the applicant seeks to protect. Special counsel cannot communicate with the subject after receiving this information (new sections 33(1)(c) and (2)(c)).

It is the role of special counsel to advocate in the best interests of the subject. This role is distinct from that of the PIM as the PIM represents the public interest, which may be different from the best interests of the subject. The role of special counsel is created to further protect the rights to a fair hearing of the subject and to assist the Court in making its determination in relation to the protection application.

I note new section 33(4) protects the subject's rights to private communication with special counsel and makes clear that legal professional privilege applies to communications with special counsel. Further, I note that the monitoring provisions do not apply to Part 5, which deals with the special counsel scheme, and accordingly a subject's interactions with special counsel will not be monitored, even where the subject's legal representative is involved and the interaction would otherwise have been monitored. These provisions strengthen the ability of special counsel to obtain instructions and advocate on behalf of the subject.

In circumstances where the subject is a party to a proceeding and denied the ability to have regard to the information which forms the subject of the protection application, the denial of such information to the subject is justified by the significance of the nature of the information. The definition of 'counter-terrorism information', outlined above, substantially reflects the purpose of new Part 5. In my view, the various public interest purposes outlined in the definition are sufficiently important to justify any limitation on rights to a fair hearing or right to liberty. Amended Part 5 includes significant protections for the subject including the availability of special counsel, the ability to communicate with special counsel, the requirement for the Court to consider prejudice or unfairness to the subject and the discretionary nature of the power to grant a protection application. Where the subject's rights to a fair hearing are limited, and where the limitation of these rights also results in a loss of liberty for the subject, I consider the limitation of rights to be justified under section 7(2) of the Charter having regard to the important public interest purposes underpinning the need to protect counter-terrorism intelligence and the lack of availability of any less restrictive method of protecting the information.

Amendment of Bail Act 1977

Part 3 of the Bill provides a detailed framework for bail decision makers when dealing with an accused who may pose a terrorism risk if released into the community, as recommended by the Expert Panel. Part 3 of the Bill makes amendments to sections of the *Bail Act 1977 (Bail Act)* introduced or amended by the *Bail Amendment (Stage 2) Act 2018 (Stage 2 Act)* which is due to come into effect on 1 July 2018. For completeness, I refer to the Statement of Compatibility for the Stage 2 Act and note that the Stage 2 Act is compatible with the Charter.

The purpose of the amendments made by the Bill is to ensure that a bail application by person known to pose a terrorist threat receives greater scrutiny and to ensure that those people who pose an unacceptable risk to our community are not granted bail.

Extension of 'exceptional circumstances' and 'compelling reason' tests

New section 4AA of the Bail Act extends the 'exceptional circumstances' test for bail so that rather than only applying to persons accused of Schedule 1 offences, it now applies to those accused of Schedule 2 offences in certain circumstances. Section 4A of the Stage 2 Act is amended and provides that a bail decision maker must refuse bail unless satisfied that exceptional circumstances exist that justify the grant of bail. The circumstances in which this will apply to persons accused of Schedule 2 offences include when:

The person has a terrorism record;

The court considering whether to grant bail determines under new section 8AA that there is a risk that the person will commit a terrorism or foreign incursion offence;

The offence is alleged to have been committed while the accused was on bail, subject to a summons to answer charges, awaiting trial, subject to a community correction order, otherwise serving a sentence, or on parole, in respect of any Schedule 1 or 2 offence (new section 4AA(2)(c) does not make a substantive change to bail decision making but clarifies processes);

The offence is an offence of conspiracy to commit, incitement to commit or attempting to commit an offence in the circumstances set out in new section 4AA(2)(c), outlined immediately above. Once again new section 4AA(2)(c) does not make a substantive change to bail decision making but clarifies processes.

Defined under new section 3AAB, a person has a terrorism record if they have been convicted of a terrorism or foreign incursion offence or have been the subject of a terrorism related order. A terrorism related order is defined in clause 80 of the Bill as particular orders issued under Part 5.3 of the Criminal Code of the Commonwealth (**Criminal Code**), a PDO or PCO within the meaning of Part 2A of the Act, or an order made under a preventative detention law of another State or Territory which corresponds to Part 2A of the Act.

A new definition of a 'terrorism or foreign incursion offence' is included in the Corrections Act and means an offence against section 4B of the Act, an offence against a provision of another State or a Territory that corresponds to section 4B of the Act, an offence against a provision of Subdivision A of

Division 72 of Chapter 4 of the Criminal Code of the Commonwealth, an offence against a provision of Part 5.3 or Part 5.5 of the Criminal Code of the Commonwealth or an offence against a provision of the *Crimes (Foreign Incursions and Recruitment) Act 1978* as in force before its repeal.

Terrorism and foreign incursion offences are already classified as exceptional circumstances offences. The extension of the exceptional circumstances test in the circumstances outlined above acknowledges that an accused may pose a terrorism risk to the community despite being charged with an offence that is not a terrorism or foreign incursion offence. The expansion of the application of the exceptional circumstances test to Schedule 2 offences in the circumstances outlined also takes into account whether the accused was alleged to have committed the offence while subject to a correctional order or police summons, thereby indicating a lack of regard for directions issued by law enforcement agencies and correctional agencies. These amendments work to extend the presumption against bail to an accused alleged to have committed less serious offences where there is evidence of a terror related risk.

Where the exceptional circumstances test does not apply to persons accused of a Schedule 2 offence, the 'compelling reason' test will apply. Clause 87 amends new section 4C of the Stage 2 Bill, and provides that a bail decision maker must refuse bail unless satisfied that a compelling reason exists that justifies the grant of bail. The compelling reason test will also apply to persons accused of offences other than Schedule 1 or 2 offences if the person has a terrorism record or if a court determines under new section 8AA that there is a risk that the person will commit a terrorism or foreign incursion offence. The process for determination under new section 8AA is described below under the 'preliminary determination of terrorism risk' section.

The application of the compelling reason test in these circumstances will extend the presumption against bail for an accused with a terrorism record or an accused determined to be a terrorism risk under new section 8AA. This reflects that an accused may be charged with a relatively minor offence, however still pose a risk of committing a terrorism offence if released into the community.

If a decision-maker determines whether there are exceptional circumstances or a compelling reason to grant bail (referred to as 'step 1' in the two step test), they must then consider whether the accused poses an 'unacceptable risk' (referred to as 'step 2' in the two step test). The unacceptable risk test is set out in new section 4E of the Stage 2 Bill and provides that a bail decision maker must refuse bail for an accused if satisfied that there is a risk that the accused would do one or more of the following things if released on bail and that the risk is an unacceptable risk:

Endanger the safety or welfare of any person; or

Commit an offence while on bail; or

Interfere with a witness or otherwise obstruct the course of justice in any matter; or

Fail to surrender to custody in accordance with the conditions of bail.

When determining whether there is an unacceptable risk, the bail decision maker must consider the surrounding circumstances and whether there are conditions which may be

imposed to mitigate the risk. 'Surrounding circumstances' is defined by new section 3AAA of the Stage 2 Bill. The current Bill amends new section 3AAA so that a bail decision maker must also have regard to whether the accused has exhibited behaviour that would suggest support for terrorist acts or organisations, an association with a person or group that has expressed such support, an association with a person or group that is directly or indirectly related to a terrorist act, or if the accused is associated with a terrorist organisation (clause 81(1)). The bail decision maker must not take into account such information unless satisfied that the accused knew that the person or group expressed such support, engaged in terrorist activity or was a terrorist organisation.

Sections 13, 13A and new section 13AA set out the circumstances in which only a court may grant bail. Section 13 of the Bail Act provides that only a court may grant bail for an application related to a Schedule 1 offence. Sections 13(4) and (5) provide exceptions where a bail application relating to a Schedule 1 offence may be granted by a bail decision maker other than a court. Section 13 is also amended to provide that only a court can grant bail to an accused alleged to have committed certain Commonwealth terrorism offences.

New section 13AA further provides that only a court may grant bail to an accused who has a terrorism record, regardless of the nature of the offence alleged to have been committed by the accused. Section 13A of the Bail Act provides that only a court may grant bail for a person accused of certain Schedule 2 offences where the accused is already on 2 or more undertakings of bail in relation to other indictable offences. Section 13A does not apply to a child, vulnerable adult or an Aboriginal person.

The Bill amends the Bail Act at sections 10(5) and 10A(5) and inserts new sections 10A(5AA) and 10A(5AAB) to prohibit a police officer, bail justice, sheriff or authorised person from granting bail to an accused if the prosecutor has terrorism risk information in relation to the accused and asserts that this shows that there is a risk that the accused will commit a terrorism or foreign incursion offence if released on bail. The bail decision maker is required to refuse to consider the application and the informant is required to bring the matter before a court as soon as practicable.

The intended impact of these amendments is to ensure that those who may pose a terrorism risk, or who are alleged to have committed a serious offence, or both, are brought before a court for bail determination to ensure stringent, consistent scrutiny and to ensure that any terrorism risk information is properly considered. The limitation placed on the ability of a bail decision maker, other than a court, to determine bail in more serious cases is appropriate and is an extension of the acknowledgement in section 13 of the Bail Act that those accused of serious crimes warrant greater examination in relation to any bail application.

By extending the application of the exceptional circumstances and compelling reason test, and the categories of persons with respect to whom bail applications must be determined by courts, the Bill may limit the rights in section 21 and 25 of the Charter. This is because these provisions ultimately decrease the likelihood of release on bail, or at least impose a more stringent process for the determination of applications.

Right to liberty and security of the person (s 21)

As outlined above, section 21 of the Charter provides that every person has the right to liberty and security of the person. Relevantly, section 21(6) provides that a person awaiting trial must not be automatically detained in custody. The amendments to the Bail Act which extend the presumption against bail in certain circumstances, and require bail to be determined by a court, may limit this right. However, in my view any limitation of this right is justified on the grounds of community safety, and therefore compatible with the Charter.

To the extent that the extension of the exceptional circumstances and compelling reason tests, and the requirement that certain bail applications be determined by a court, may limit the right to liberty, I refer to the considerations above which justify any limitation occasioned by these provisions on the right to be presumed innocent. In my view, these considerations also provide justification for any limitation on the right to liberty. Further, I note that the amendments do not give rise to 'automatic' detention for people who fall into one of the classes created by the current amendments. Accused persons retain the ability to present evidence and potentially satisfy the exceptional circumstances or compelling reason tests for bail. For those persons who pose a higher risk on release, there is a higher bar for release. This is entirely appropriate and proportionate given the seriousness of the matters dealt with and the direct risk posed to the Australian community.

With respect to the provisions of the Bill which require certain bail applications to be determined by a court, I note that this may mean that an accused may be detained for a longer period of time until their matter can be brought before a court. Where a bail justice is prohibited from granting bail because only a court may grant bail, the informant is required to bring an accused before a court as soon as practicable (new section 10B). In my view, this is a proportionate approach as the circumstances in which this requirement apply are clear and appropriately confined in light of the risk to community safety. It is appropriate and reasonable that a bail decision be made by a judicial officer in the applicable circumstances. This is in keeping with current practice where serious offenders, for example offenders convicted of murder or large scale drug trafficking, are to have bail decisions made by a court.

The right to liberty is an important right which should not be interfered with except when absolutely necessary. The amendments to the Bail Act provide a proportionate response to a terrorism threat posed by an individual by creating a detailed process for bail decision makers to apply on a case by case basis. There is no less restrictive process for bail decision making as the process seeks to only refuse bail to people who pose an unacceptable risk and, in those circumstances, there is no option to allow such a person into the community. Accordingly, it is my view that the limitations placed on the right to liberty under section 21 of the Charter are justified under section 7(2).

Rights in criminal proceedings (s 25)

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law.

In Victoria the usual rule is that a person accused of an offence who is held in custody should be granted bail. The

Bail Act contains a number exceptions to this rule, in the case of certain serious crimes where the court must be satisfied that exceptional circumstances exist which justify the grant of bail. The provisions of the Bill that extend the application of the exceptional circumstances and compelling reason tests in the circumstances outlined above engage the right to be presumed innocent as they place an accused in a reverse onus position for a grant of bail. This will mean that it will be harder for an accused person to be granted bail.

The purpose of these provisions, as set out above, is to recognise that some categories of accused present a higher level of risk of the community. In these circumstances, the decision about whether or not that accused person is to be granted bail should be subject to greater scrutiny in light of those concerns to public safety, and the rights of the community to safety and security. The limitation on an accused person's rights are justified under section 7(2) of the Charter as it is reasonable and proportionate to the risk of harm posed by people accused of particular offences and with particular histories of relevance.

The requirement for an accused to show compelling reasons or exceptional circumstances is not a new requirement. The expansion of the application of the exceptional circumstances test is predicated on a range of identified risk factors with many of those identified being elements of the accused's criminal history separate to the current offence. It is clear that the amendments are designed to require bail decision makers to take a more rigorous approach to decision making; however, the offences and profiles of persons that attract the new amendments are sufficiently serious to justify any limitation on rights under section 25(1) of the Charter. In this regard, I note in particular that no person's rights to be released on bail are extinguished automatically and, further, their rights to appeal a decision to refuse bail are retained. Each person is able to make their case for compelling reasons, or exceptional circumstances, as the case may be. Further, bail decision making for terrorism related offenders does not only examine the circumstances around the current offence, but looks at the accused's profile as a whole and makes a determination with all available information at hand.

Accordingly, I am of the view that any limitation of section 25(1) is proportionate given the seriousness of the potential behaviour under consideration, the rights of an accused to make their case and the case by case basis on which a decision must be made. For completeness, I refer to the Statement of Compatibility for the Bail Amendment Bill 2015 which introduced the application of the exceptional circumstances test to those charged with state terrorism offences and found that the amendments were compatible with the Charter.

Preliminary determination of terrorism risk

New section 8AA provides that where a prosecutor states that there is 'terrorism risk information' in relation to an accused, and the prosecutor alleges that there is a risk that an accused will commit a terrorism or foreign incursion offence, the court must determine whether there is such a risk, before determining whether to grant bail. In making this assessment, the court must have regard to any terrorism-risk information provided to the court.

New section 3AAC defines 'terrorism risk information' to mean an assessment made by a specified entity (for example, Victoria Police or the Australian Federal Police) that there is a

risk that the person will commit a terrorism or foreign incursion offence, and the information relied on in making that assessment. Information relied on by an entity when making an assessment may include expressions of support for terrorist activity, a terrorist organisation or provision of resources to a terrorist organisation. It may also include information evidencing the person's association with:

another person or group that has expressed similar support;

another person or group that is directly or indirectly engaged in, preparing for, planning, assisting in or fostering the doing of a terrorist act; or

a terrorist organisation.

A court cannot have regard to such an association unless the court is satisfied under new section 8AA(4) that the accused knew that the person or group had expressed such support, engaged in terrorist activity or was a terrorist organisation.

If, based on this information, the court determines that there is a risk that the person will commit a terrorism or foreign incursion offence, then under new section 4AA(2)(b) or 4AA(4)(b), the Step 1 exceptional circumstances test will apply.

Freedom of expression (s 15), freedom of thought, conscience, religion and belief (s 14) and freedom of association (s 16)

Requiring decision makers to have regard to the expressions and associations outlined above may engage the Charter rights to freedom of expression; freedom of thought, conscience, religion and belief; and peaceful assembly and freedom of association.

Section 15 of the Charter provides that every person has the right to freedom of expression including the freedom to seek, receive and impart information and ideas of all kinds. To the extent that support for a terrorist organisation may be formulated as a religious expression, section 14 of the Charter (freedom of religion) may also be engaged.

However, in my view the Bill does not limit the rights in either section 14 or 15 of the Charter. The amendments do not prohibit expressions of support for terrorism, but merely points to such expressions as a relevant consideration to take into account when assessing risk for the purposes of a bail decision. Further, to the extent that it could be said to limit section 15, the limitation would fall within the internal qualification in section 15(3) that allows for lawful restrictions that are reasonably necessary for the protection of national security or public order. This internal qualification on the right recognises that special duties and responsibilities are attached to the right to freedom of expression. Similarly, any limit on the right to freedom of religion is justified on the basis that it is necessary to protect the community by ensuring that bail decisions are made based on all relevant risk aspects.

Section 16 of the Charter provides that every person has the right to peaceful assembly and that every person has the right to freedom of association with others, including the right to form and join trade unions. The Bill provides that a bail decision maker is required to take into account certain associations the accused has with other people as outlined by section 3AAA of the Bail Act. In my view, this does not limit the right to freedom of association as, rather than prohibiting the associations, it merely renders such associations relevant

to assessing the risk posed by the accused for the purposes of determining a bail application. To the extent that it could be said to limit the right, I consider the limitation to be justified under section 7(2) of the Charter by the same reasoning outlined above.

Amendment of the Crimes Act 1958

Clause 131 of the Bill amends section 462A of the *Crimes Act* to insert an example at the foot of that section to illustrate the operation of section 462A of the *Crimes Act*. However, the amendment in the Bill does not alter the law concerning the lawfulness of lethal force.

The amendment illustrates the operation of section 462A of the Crimes Act by making clear that the objective of preventing the commission of an offence involving death or really serious injury is capable of supplying a reasonable basis for the use of lethal force. The amendment does not however state that in every case it will do so. The police officer or protective services officer must still hold the subjective belief that the use of force was necessary and that belief must be based on reasonable grounds.

Section 9 of the Charter protects the right to life. It provides that every person has the right to life and has the right not to be arbitrarily deprived of life. The use of lethal force that amounts to an arbitrary deprivation of life may limit a person's right to life.

Because the amendment does not alter the law concerning the lawfulness of lethal force, in my opinion, the right to life is not limited by clause 131 of the Bill.

Amendment of Corrections Act 1986

Presumption against parole (adult offenders)

The Bill amends the *Corrections Act 1986* (**Corrections Act**) to expand the presumption against parole for an offender who may pose a terrorism threat. Currently, the Serious Violent Offender or Sexual Offender Parole division (SVOSO division) of the Adult Parole Board (**the Board**) makes parole determinations in relation to a person who has been convicted of a terrorism or foreign incursion offence (section 74AAB of the Corrections Act). The Bill amends parole determination processes by recognising that a person may pose a terrorism risk regardless of whether they have been convicted of terrorism offences.

The Bill provides for an instrument called 'terrorism risk information', which is an assessment made by a specified entity (such as a law enforcement, intelligence or other government agency or department) that there is a risk that a person will commit a terrorism or foreign incursion offence, and the information relied upon in making that assessment. Similar provisions are included in the Bail Act. The risk information may include information regarding a person having expressed support for a terrorist organisation, for doing a terrorist act or for providing resources to a terrorist organisation. It may also include information regarding the person having, or having had, an association with a terrorist organisation or another person or group that has engaged in the above, or directly or indirectly engaged in the preparation, planning, assisting or fostering of a terrorist act.

The Bill gives the Secretary discretion to provide the Board with terrorism risk information in respect of a prisoner, which the Board must have regard to when determining to release

that prisoner on parole (with certain exceptions, discussed below). The Bill then provides that the Board must determine whether or not it is satisfied that there is a risk that the prisoner will commit a terrorism or foreign incursion offence. If the Board is satisfied there is such a risk, it must either refuse to grant parole or refer the decision to the SVOSO division along with a recommendation that parole should be granted. Such a referral can only be made if there are compelling reasons to justify releasing the prisoner on parole, or in the case of a prisoner who has been convicted of a terrorism or foreign incursion offence, there are exceptional circumstances that justify releasing the prisoner on parole. The SVOSO division must then consider the recommendation, and be satisfied of the same 'compelling reasons' or 'exceptional circumstances' tests, which ever are applicable. The Bill also amends the framework for cancelling parole in a similar manner.

These amendments are relevant to the rights to freedom of movement (s 12), privacy (s 13), liberty (s 21), expression (s 15) and freedom of association (s 16).

Rights to freedom of movement (s 12), privacy (s 13) and liberty (s 21)

A prisoner serving a sentence of imprisonment is subject to a number of restrictions on human rights by way of their imprisonment, and being subject to being managed in prison pursuant to the Corrections Act, most notably their rights to freedom of movement, privacy and liberty. Being subject to a grant of parole, depending on the conditions, generally grants a prisoner greater liberty and reduces the extent of limits on their human rights resulting from their sentence.

In effect, these amendments expand the existing two tier presumption against parole for prisoners who pose a terrorist threat (but do not have a terrorist record), which may, depending on a person's circumstances, make it less likely such prisoners will be granted parole, or more likely that their existing parole will be cancelled.

However, in my view, these amendments do not introduce any new limits on human rights. This is because parole is a privilege, and a person sentenced to prison does not have a right or entitlement to parole, nor to the continuation of a particular scheme for release on parole for the duration of the prisoner's sentence. Further, any refusal to grant parole, or decision to cancel parole, cannot be regarded as constituting new limits on a prisoner human rights, as those rights are already limited by way of the sentence of imprisonment. The provisions of this Bill do not set aside, vary or nullify the original sentence of the court, in that they do not alter the head sentences of imprisonment imposed by the court or increase the maximum limitation caused by the court's sentence.

Rights to freedom of expression (s 15) and association (s 16)

The Bill broadens the concept of 'terrorist risk' to include associating with terrorists or expressing support for terrorist offenders, organisations or, potentially, terrorist ideas. This means that a prisoner's associations and expressions of support may potentially form the grounds of an assessment that they pose a terrorist risk, and as a consequence, are presumed to be denied parole without 'compelling reasons' or 'exceptional circumstances' to justify parole, whichever is applicable. This may have a chilling effect on an offender's rights to freedom of expression and association, making a person less likely to associate with certain others or express

certain ideas for fear that it will impact on their grant of parole or lead to a cancellation of an existing grant of parole.

In my view, any such limitations will be reasonably justified. The criteria of ‘terrorist risk’ is appropriately confined to expressions of support for terrorist acts or organisations (rather than support for mere persons, ideas or beliefs) or associations with persons who have expressed such support, engaged directly or indirectly in a terrorist act, or associated with a terrorist organisation (rather than a mere person of concern). Further, the Bill includes a safeguard to prevent inadvertent associations from being a relevant consideration, by requiring the Board to be satisfied that the prisoner in question knew that they were associating with a person or organisation who posed a ‘terrorist risk’. If the Board is not satisfied that the person had the requisite knowledge, the Board is precluded from having regard to that information about such associations when assessing risk or determining whether to grant or cancel parole. Finally, even if a person is found to have such associations and requisite knowledge, the Board must still determine that the person is at risk of committing a terrorism or foreign incursion offence for the presumption to apply. This ensures that offenders who may have incidental associations with terrorist offenders or groups (such as a family member of a terrorist offender with no involvement in their offending) will not be captured by the presumption. Accordingly, I am satisfied that any limits on these rights are reasonably justified in this context.

Amendment of the Children, Youth and Families Act 2005

Presumption against parole (children)

The Bill makes similar amendments as above to the *Children, Youth and Families Act 2005* regarding the granting of parole to children and young persons. The Bill allows for the Secretary to provide the Youth Parole Board (YPB) with terrorism risk information relating to a person in a youth residential centre or youth justice centre, which will preclude the YPB from determining to release that person on parole until the YPB has determined whether or not there is a risk the person will commit a terrorism or foreign incursion offence. Where a person has a terrorism record or the YPB has determined that there is a risk the person will commit a terrorism or foreign incursion offence, the presumption against parole in new section 458(1AAC) will apply. The Bill requires that the YPB must not release such a person on parole unless the granting of parole is justified by exceptional circumstances (in the case of a person convicted of a terrorism or foreign incursion offence) or compelling reasons (in any other case). New sections 460A, 460B and 460C create similar obligations for the YPB in relation to cancelling parole.

These amendments raise similar issues as discussed above in relation to adult offenders, and the above discussion and justification applies equally. However, as these amendments have the potential to affect children, the Charter right to protection of children (s 17) is also engaged.

Protection of children and families (s 17) and the rights of children in the criminal process (s 23(3))

Section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child. Children are taken to have lesser culpability for their actions on the basis of their different psychological and physical development, and also on the basis of their emotional

and educational needs. There is, in other words, a requirement that children be treated differently than adults in recognition of their different status and lesser culpability when in conflict with the law. Although, unlike the Adult Parole Board, the scheme does not utilise a two-tier test for the Youth Parole Board (meaning the presumption is potentially less difficult to be overcome by a child offender), I accept that the scheme’s use of the same test for children and adults may not recognise the special status of children and the lesser culpability of children as outlined above.

Further, section 23(3) of the Charter provides that a child who has been convicted of an offence must be treated in a way that is appropriate for his or her age. Appropriate treatment includes preserving opportunities where appropriate to facilitate a child’s rehabilitation, avoid unnecessary stigma, strengthen their relationship with their family, and minimise disruptions to their education, training or employment — all of which may be furthered by granting a child parole. It follows that expanding presumptions against parole, and cancellations of parole, for child offenders may limit these rights.

In my view, any such limits are reasonably justified. I note the Expert Panel’s comments in relation to children, particularly that children are a particular target for radicalisation. While a child may have a lesser status or culpability at law, they may still pose the same level of risk to the community as an adult offender and the same potential to commit terrorist acts that cause serious and catastrophic harm. In order to ensure the community is adequately protected from the threat of terrorism, it is necessary and appropriate that a presumption against parole for those that pose a terrorist risk apply equally to children, and that children be deterred and prevented from becoming a terrorist risk to the same extent as adults. Further, by moving to proactively address the terrorist threat that may be posed by children, the government is also enhancing the rights of other children and families in the community to protection.

I also note that there are many protections built into the sentencing system to ensure sentences for children or young offenders take into account their age and prospect for rehabilitation, and that the management of detainees allows for such rehabilitation.

Accordingly, I am satisfied that these amendments are compatible with the rights to protection of children in sections 17 and 23 of the Charter.

Information-sharing

To facilitate the preparation and provision of ‘terrorism risk information’ in the above amendments to parole, the Bill also makes amendments to the Corrections Act and the *Children, Youth and Families Act 2005* to existing information sharing provisions, to permit such information to be shared between various agencies in relation to adult and child offenders. For example, the Bill permits information sharing in relation to youth offenders between the YPB, the Department of Health and Human Services, the Department of Justice and Regulation and ‘risk assessment entities’. Further, the Bill allows a parole decision maker to have access to all relevant information when making a parole decision in relation to a person who may pose a terrorism risk, to introduce the application of the exceptional circumstances and compelling reasons test to parole decisions and to create a detailed framework for decision makers to consider in relation to a decision to cancel a parole order.

While such amendments are relevant to the rights to privacy of offenders, I am satisfied that these provisions are appropriately circumscribed so as not to authorise any arbitrary interferences with privacy. Without appropriate information sharing between agencies about persons who pose a terrorist risk, the ultimate aims of this Bill cannot be achieved. It is generally accepted that it is a legitimate aim to share information in order to prevent the risk of harm to the community or to ensure that concerns regarding unlawful behaviour are communicated to appropriate authorities. In my view, these provisions strike an appropriate balance with furthering the aims of community protection and preserving the rights of offenders to privacy, through prescribing the class of persons who may share information, and the purposes for which the information may be shared. Existing safeguards against misuse will still apply, including penalties for any unauthorised use or disclosure of information. For these reasons, I consider that these provisions will not limit the right to privacy.

The Hon. Martin Pakula, MP
Attorney-General

Second reading

Mr PAKULA (Attorney-General) (10:09) — I move:

That this bill be now read a second time.

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

Violent acts of terror pose a threat to communities around the world. In recent times, there have been a number of violent incidents in Australia, including in Victoria, which have been motivated by extreme views and undermine the cohesive fabric of our community. These recent, horrifying incidents have triggered consideration across all jurisdictions of whether existing counter-terrorism legislation and practice adequately guard against the evolving threat of terrorism and violent extremism.

Following the siege and hostage incident in Brighton in June 2017, the government appointed an Expert Panel on Terrorism and Violent Extremism Prevention and Response Powers to examine the operation and effectiveness of Victoria's legislation and the powers and procedures of Victorian and Commonwealth agencies to prevent, monitor, investigate and respond to terrorism. The Expert Panel was led by former Chief Commissioner of Victoria Police, Ken Lay AO APM, and former Justice of the Court of Appeal, the Honourable David Harper AM QC.

The Expert Panel commenced its review on 26 June 2017 and publicly released reports on 21 September 2017 and 20 November 2017. Report 1 focused on reforms to police powers to deal with terrorism and assessed the tools required to counter the risk posed by violent extremists. Report 2 had a broader remit and considered reforms necessary to enhance the ability of relevant agencies and institutions to prevent, investigate, monitor and respond to terrorist acts.

The Bill represents an overhaul of Victoria's terrorism framework, including amendments to the *Terrorism (Community Protection) Act 2003*, the *Bail Act 1977*, the *Corrections Act 1986*, the *Children Youth and Families*

Act 2005, the *Crimes Act 1958*, the *Criminal Procedure Act 2009* and the *Sentencing Act 1991*. The Bill will give effect to all legislative recommendations from Report 1 of the Expert Panel, and recommendations 18 to 21 and 24 from Report 2.

The wide-ranging reforms in this Bill will support the safety of Victorians by ensuring that Victoria Police and other justice agencies are equipped with the tools they need to address the threat of violent extremism, and keep our community safe.

I now turn to the substance of the Bill.

Amendments to the Terrorism (Community Protection) Act 2003

Part 2 of the Bill amends the *Terrorism (Community Protection) Act 2003* ('the Act') to expand Victoria's preventative detention framework and improve the operation of special police powers to prevent or reduce the impact of a terrorist act. The Bill also makes changes to ensure that there is appropriate oversight of the exercise of powers under the Act and to facilitate reporting to the Victorian Parliament. These reforms implement recommendations 2 and 13 to 15 of the Expert Panel's Report 1, and recommendations 18 to 21 and 24 of Report 2.

Preventative detention (Recommendation 2, Report 1 and Recommendations 18 to 21 and 24, Report 2)

Victoria's existing preventative detention framework allows for the detention of a person for up to 14 days by order of the Supreme Court to prevent a terrorist act from occurring or to prevent the destruction of evidence of a terrorist act that has already occurred. These laws were introduced to address a perceived gap in counter-terrorism capabilities, where authorities have information about a terrorist act that is not sufficient to form the belief required to arrest a person under ordinary powers.

The Expert Panel highlighted a number of flaws in the existing preventative detention laws and recommended significant changes to the current scheme, persuaded that a stronger approach is necessary and appropriate in the context of the threat posed by terrorism and violent extremism.

As a first step, the Bill amends the threshold test for preventative detention in relation to a terrorist act that has not yet occurred from one that must be 'imminent' to one that is capable of being carried out, and could occur, within the next 14 days. This amendment is consistent with recent Commonwealth and New South Wales legislative changes. Preventative detention may also be used to preserve evidence of, or relating to, a recent terrorist act.

The Bill strengthens pre-charge preventative detention laws in terrorism scenarios, providing for a two-stage preventative detention framework, which applies both to adults and children aged 14 years or above. First, an authorised police officer may make a 'police detention decision', authorising a person to be taken into custody and detained without a court order or warrant for up to four days for an adult or, in the case of a child, 36 hours. This amendment recognises existing difficulties with the preventative detention legislation highlighted by the Expert Panel. These include the need for police to be able to respond quickly and effectively to threats that may emerge with little or no warning and the complex nature of terrorism related investigations. Second, consistent with the existing legislation, an authorised police officer may

also apply to the Supreme Court for a preventative detention order to detain a person — adult or child aged 14 years or over — for up to 14 days (inclusive of any period of police preventative detention).

In recognition of the extraordinary nature of preventive detention, the Bill provides for other important safeguards to ensure that police preventative detention strikes the right balance between protecting the community from terrorist threats and acts, and promoting rights of persons detained pursuant to the Act. These include:

periodic review of decisions by a senior police officer, including an immediate review upon taking a person into custody and thereafter at a minimum of 12 hourly intervals;

the involvement of the Public Interest Monitor;

notification of decisions to the Ombudsman, the Independent Broad-Based Anti-Corruption Commission, and in the case of a child, the Commission for Children and Young People and the Department of Justice and Regulation;

information requirements, including a person's entitlement to contact a legal representative;

requirements to thoroughly document police detention decisions;

oversight of the exercise of these powers by police by the Victorian Inspectorate.

The Bill also provides for strict requirements in relation to when a person must be released from police preventative detention, namely, when the reasons for detention no longer exist, when they are taken into custody or arrested under normal powers, or when a preventative detention order is made. That is, the person may not be simply held for the maximum period.

Finally, the Bill removes the prohibition on questioning a person detained under a preventative detention order and allows for questioning during both police and court-ordered preventative detention. The questioning framework in the Bill is consistent with questioning that is conducted under the *Crimes Act* and the *Crimes Act 1914* (Cth), and ensures that people are appropriately cautioned prior to questioning commencing, protects a person's right to silence and requires a person be permitted to contact a legal representative and have a lawyer present during questioning, have access to an interpreter, and in the case of a child, are only questioned in the presence of a lawyer and a parent, guardian or independent third person. Questioning must be audio-visually or, if not practicable, audio recorded, and a copy of any recording must be given to the person. The Bill also provides for reasonable breaks in questioning, with additional breaks for children and the ability of the Supreme Court to place additional conditions on questioning under a preventative detention order.

Overall, the new preventative detention framework in the Bill addresses shortcomings in the existing scheme identified by the Expert Panel, better equipping Victoria Police to take necessary and appropriate action to prevent, or preserve evidence of, a terrorist act.

Special police powers (Recommendations 13 to 15, Report 1)

Part 3A of the Act enables the Chief Commissioner of Police to apply to the Supreme Court to authorise the exercise of special police powers to protect persons attending events from a terrorist act or to prevent, or reduce the impact of, a terrorist act. The Expert Panel considered the existing provisions and noted that improvements could be made to ensure an appropriate balance is struck between safeguards and efficiencies.

Under the Act, the Chief Commissioner (or a Deputy) can make an interim authorisation of special police powers to prevent, investigate or recover from terrorist acts, with the approval of the Premier. Consistent with Recommendation 13, the Bill enables the Chief Commissioner (or a Deputy) to make an interim authorisation without the Premier's approval if the Premier is not reasonably able to be contacted. The Chief Commissioner is required to advise the Premier as soon as possible and the Premier is entitled to revoke or alter that authorisation at any time within the duration of the authorisation. The Bill also extends the period for an interim authorisation from 24 hours to 48 hours.

Current special police powers enable police to search persons or vehicles, enter and search premises, seize any thing, cordon target areas, request a person's identity and move vehicles. The Bill extends the application of special police powers to protective service officers. It is intended that these new powers be accompanied by training to ensure that powers are appropriately exercised. Further, in recognition of practical problems encountered by NSW Police during the Lindt Café siege, the Bill creates an express power to take control of an affected area and make directions as to the use of that area during an authorisation, to respond to a terrorist risk or to an act that has occurred. The Bill specifies a number of powers that may be exercised, including the power to order evacuation of premises, or to shut off essential services.

Consistent with the amendments to the 'threshold' test for preventative detention, the Bill replaces the threshold for terrorist acts that are yet to occur with the Commonwealth's formulation that the terrorist act 'is capable of being carried out, and could occur, within the next 14 days' (Recommendation 15, Report 1).

Protecting counter-terrorism intelligence (Recommendation 16, Report 1)

The Act currently does not permit the court to receive and act on counter-terrorism intelligence material in applications under the Act where that evidence is withheld from the respondent and their legal representative. Orders can only be made on evidence that is disclosed to the respondent.

The Expert Panel highlighted that this poses a significant barrier to making applications under the Act because of concerns that the information would become public or fall into the wrong hands. The Expert Panel recommended creating a mechanism to allow counter-terrorism intelligence to be used in court applications under the Act, while protecting it against disclosure.

The Bill creates a single process for the protection of counter-terrorism intelligence in substantive applications under the Act. The framework will allow an applicant for a

substantive order under the Act (for example, a preventative detention order) to apply to the Supreme Court for a counter-terrorism intelligence protection application. If a counter-terrorism protection order is made, it will allow the applicant to rely on this protected information in a substantive application without being required to disclose the information to the respondent or their legal representative.

Recognising that closed material proceedings have been the subject of significant litigation in both Australia and overseas, the Bill provides for a comprehensive process which seeks to balance the competing interests and rights that arise in these situations. In deciding whether to make a protection order, the Bill provides that the Supreme Court must consider the public interest in the protection of this information against the public interest in ensuring that a person subject to proceedings is provided with the evidence that forms the basis of the case against them. A closed court hearing is the 'default' position with attendance at any hearing limited to certain specified persons. In these applications, the Bill makes clear that the Supreme Court retains certain important discretions, such as an ability to stay proceedings as an abuse of process.

The Bill also provides for an important additional safeguard, namely the appointment of a special counsel to represent the respondent's interests, if required in the circumstances. As the respondent and their legal representative are excluded from the relevant hearing or part thereof, this is an important procedural safeguard that promotes the protection of principles of open justice and a person's right to a fair hearing.

Oversight and reporting on the use of counter-terrorism powers

The Bill creates an oversight role for the Victorian Inspectorate with respect to the use of police powers under the Act, consistent with recommendations 5 and 13 of the 2014 Victorian Review of Counter-Terrorism Legislation.

The Victorian Inspectorate's oversight encompasses covert search warrant powers, special police powers and the new police preventative detention power established by the Bill. This includes a requirement that each police detention decision and the execution of covert search warrants are reported to the Inspectorate. The Victorian Inspectorate will be required to monitor compliance with the Act by inspecting the records of Victoria Police. The Bill provides that the Victorian Inspectorate is required to report the results of each inspection to Parliament every six months.

The Bill also streamlines the annual reporting mechanisms in the Act. The existing annual reporting obligations in the Act are different for each power. The Bill requires the Chief Commissioner to submit a report to the Attorney-General annually with respect to powers under the Act. The Attorney-General will be required to table the report before Parliament.

Amendment to the Crimes Act 1958 (Recommendation 1, Report 1)

In the context of the Lindt Café Siege in Sydney and the State Coroner of New South Wales considering use of force powers in his Inquest into the deaths arising from the siege, the Expert Panel considered practical options to remove any barriers to Victoria Police employing appropriate force when responding to terrorist acts.

As a result, the Expert Panel recommended that the power in section 462A of the *Crimes Act* to use force be clarified in order to 'put beyond doubt that it applies to pre-emptive action, including lethal force, employed in response to a life-threatening act where it may be the last opportunity to safely and effectively intervene'.

Section 462A of the *Crimes Act* is concerned with the use of force by any person when it is necessary to prevent an indictable offence. The Bill inserts an example to this provision, describing a situation where a police officer or protective services officer uses lethal force. The use of a statutory example allows a clear explanation of the effect of the existing law — which the Expert Panel agreed was adequate and well understood — as it applies in practice to police in the field.

The amendment will provide greater clarity for law enforcement in response to terrorism scenarios, so that police are confident to act at critical moments to use lethal force in order to prevent death or really serious injury.

Amendments to the Bail Act 1977 (Recommendations 9 to 11, Report 1)

Former Judge of the Supreme Court, the Hon Paul Coghlan QC, was appointed to review Victoria's bail system in 2017. The *Bail Amendment (Stage One) Act 2017*, passed by Parliament on 22 June 2017, implemented a number of the recommendations in Mr Coghlan's first Report. This included creating schedules of offences where the presumption in favour of bail is reversed, requiring the accused to show 'exceptional circumstances' for certain offences (Schedule 1) and 'compelling reasons' for certain offences (Schedule 2). The *Bail Amendment (Stage Two) Act 2018* was passed by Parliament on 22 February 2018. The Stage Two Act implements further recommendations from the Coghlan Bail Review, including reformulating and clarifying how the tests for bail should be applied.

Part 3 of the Bill builds upon these reforms, by making further amendments to the *Bail Act 1977* to create presumptions against bail for people who pose a terrorism risk and require such persons to be brought before a court for bail. These changes parallel changes to parole introduced elsewhere in this Bill.

Presumption against bail

The Bill amends the Bail Act to provide for a presumption against the granting of bail for a person who poses a terrorism risk.

When a person is charged with an offence in Schedule 1 of the Bail Act, the court will need to be satisfied that exceptional circumstances exist in order to grant bail. Schedule 1 includes the offences of facilitating terrorist acts by providing documents or information (against section 4B of the *Terrorism (Community Protection) Act 2003*), and obstructing police using special police powers (against 21W of that Act). This approach is consistent with the *Commonwealth Crimes Act 1914*, which provides a presumption against bail for a person accused of a Commonwealth terrorism offence (section 15AA).

However, not every accused who is suspected of having links to terrorism will be charged with a specific terrorist offence. Ordinarily, a person charged with an indictable offence not listed in either Schedule 1 or 2 of the Bail Act would have a

prima facie entitlement to bail. This Bill amends the Bail Act so that an accused who has not been charged with a terrorism offence but may pose a terrorism risk, will still be subject to a presumption against bail:

If a person is accused of a Schedule 2 offence and has a terrorism record or is a risk of committing a terrorism offence, the court can only grant bail if the accused person is able to show exceptional circumstances why bail should be granted.

If a person is accused of an offence that is in neither Schedule 1 nor 2, but the person has a terrorism record or is a risk of committing a terrorism offence, the court can only grant bail if the accused person is able to show compelling reasons why bail should be granted.

These changes reverse the presumption in favour of bail to ensure that it will be harder for any accused with links to terrorism to get bail — whatever charge the accused is facing.

Restricting bail decision-making to a court

The Bail Act currently limits bail decisions for persons charged with treason and murder to the Supreme Court, or to a Magistrate committing a person for trial. The Bail Stage One Act restricts bail decisions about persons charged with Schedule 1 offences to magistrates and judges. The Bail Stage Two Act inserts new section 13A, which restricts bail decisions to a court for Schedule 1 offences and persons accused of certain Schedule 2 offences who are already on 2 or more undertakings of bail in relation to other indictable offences.

This Bill introduces further situations where bail decisions can only be made by a court. First, the Bill provides only a court can grant bail to a person with a terrorism record (see new section 13AA). Second, by operation of other amendments including the insertion of new section 8AA, only a court will be able to assess terrorism risk information to determine whether a person poses a risk of committing a terrorism or foreign incursion offence. Third, the Bill will provide that only a court may grant bail to persons accused of Commonwealth terrorism offences. This will mean that persons accused of Victorian or Commonwealth terrorism offences, and persons accused of non-terrorism offences who are terrorism-related offenders, will only be able to get bail from a court.

Amendments to Corrections Act 1986 and Children, Youth and Families Act 2005 (Recommendations 3 to 8, Report 1)

Adult parole

Victoria currently has the strongest parole laws in the country. The Bill further strengthens our adult parole system and will make it even harder for prisoners who pose a terrorism risk to get parole, or to remain on parole. The community expects that prisoners with terrorism connections will only be released on parole where it accords with community safety, and the Bill ensures this is the case.

Specifically, the Bill amends the *Corrections Act 1986* to introduce new presumptions against the grant of parole, and in favour of the cancellation of parole, for prisoners who pose a terrorism risk. The approach in the Bill draws on models from other Australian jurisdictions with strict parole laws, including New South Wales and South Australia.

The presumption against granting parole will apply to any prisoner sentenced with a non-parole period, who has been convicted of a terrorism or foreign incursion offence, has been subject to a terrorism-related order, is charged with a terrorism or foreign incursion offence, or has been determined by the Adult Parole Board to pose a terrorism risk. The Adult Parole Board will determine a prisoner's risk based on relevant information, including intelligence. This may include the prisoner's support for terrorist activity or intentional associations with persons connected to terrorism.

If such prisoners are released into the community on parole, new presumptions in favour of parole cancellation apply if their terrorism risk increases or if they are charged with, or convicted of, a sexual offence, violent offence or terrorism or foreign incursion offence while on parole. A presumption also applies to any other prisoner on parole if they pose a terrorism risk for the first time while on parole.

These reforms build on existing presumptions in relation to prisoners with convictions for terrorism or foreign incursion offences that were introduced by the Victorian Government in the *Corrections Legislation Further Amendment Act 2017*. Under the reforms, the relevant prisoners can only be granted parole, or remain on parole, if there are exceptional circumstances (for a prisoner who has been convicted of a terrorism or foreign incursion offence) or compelling reasons (for other prisoners) that justify it.

The Serious Violent Offender or Sexual Offender Parole division (SVOSO division) of the Adult Parole Board will be responsible for deciding whether to grant parole to such prisoners under a two-tier decision-making process. The SVOSO division is overseen by the Chairperson of the Board. The additional scrutiny that this provides aims to ensure that prisoners are only ever released where it accords with the safety and protection of the community. This brings terrorism risk into the parole process that was enacted in 2014 as recommended by the Callinan Review. Decisions relating to the cancellation of parole will continue to be made by any division of the Board to ensure that the Board can respond and deal with cancellations in a timely manner.

Youth parole

The Bill strengthens the youth parole system by amending the *Children, Youth and Families Act 2005* to create a presumption against parole, and in favour of the cancellation of parole, for young people who pose a terrorism risk.

The Youth Parole Board must not release on parole a young person convicted of a terrorism or foreign incursion offence unless there are exceptional circumstances. In the case of a young person subject to a terrorism-related order (present or past) such as preventative detention, or where the Youth Parole Board considers that they present a terrorism risk, the Board must be satisfied there are compelling reasons to justify granting parole. The Youth Parole Board will determine a young person's terrorism risk based on relevant information from a range of sources. This could include a young person's support for terrorism or their association with people who they know have terrorism links.

The Bill also introduces a presumption that a young person's parole will be cancelled where a young parolee is convicted of terrorism or becomes subject to a terrorism-related order, or where the Youth Parole Board receives new information about their terrorism risk. This also applies to young parolees

charged with certain terrorism offences where they have a history that involves terrorism risk. Those convicted of terrorism offences will need to show exceptional circumstances to continue their parole, while the rest will need to show compelling reasons.

Information sharing

The *Corrections Act 1986* currently authorises relevant persons (for example, Department of Justice and Regulation or Victoria Police employees) to share personal or confidential information about prisoners and offenders in various circumstances. The Bill clarifies the ability of relevant persons to share information for counter-terrorism purposes. Information will be able to be shared where it is reasonably necessary to administer the Act and other terrorism-related legislation, or to reduce the risk of a person committing a terrorism or foreign incursion offence. The Bill also authorises information sharing with members of the Joint Counter Terrorism Teams (including Commonwealth intelligence agencies and other police forces around Australia), and other relevant persons and bodies.

The Bill also amends the *Children, Youth and Families Act 2005* to provide a clear legal basis for the sharing of terrorism risk information about young people involved in the youth justice system. This information will be able to be shared with the Department, the Youth Parole Board and members of the Joint Counter Terrorism Teams and used to inform decisions about bail, parole, and custodial and community-based court orders.

These reforms will provide greater confidence for relevant persons to share information to respond to terrorism risks.

Amendment of *Criminal Procedure Act 2009* and *Sentencing Act 1991*

The Bill amends the definition of Category A Serious Youth Offences in both the *Criminal Procedure Act 2009* and *Sentencing Act 1991* to add terrorism offences under the *Terrorism (Community Protection) Act 2003* to the existing definition, which currently includes terrorism offences and foreign incursion offences under the *Criminal Code Act 1995* (Cth). This amendment ensures that young people charged with Victorian terrorism offences are dealt with as a terrorism risk.

Conclusion

The Victorian Government recognises the need for counter-terrorism legislation to be effective and agile, while remaining proportionate and measured. These principles were at the heart of the Expert Panel review. The range of powers included in the Bill will provide essential tools for law enforcement agencies to respond to the threat of terrorist acts. The amendments are a necessary response to the evolving threat of terrorism and by clarifying the operation of certain powers and provisions will give law enforcement the confidence to take swift and decisive action and keep the community safe.

The government acknowledges concerns about the impact of counter-terrorism laws on rights under the Victorian *Charter of Human Rights and Responsibilities Act 2006*. The Bill seeks to balance the rights of all Victorians, while acknowledging that the unique nature and gravity of terrorism threats at times demand extraordinary measures and an ability for law enforcement to respond rapidly and effectively. The consequences of terrorist acts, and the difficulty in predicting

when they will be carried out, place police under great pressure to intervene with less knowledge than would be available in the circumstances of day-to-day law enforcement. The Bill strikes a balance between empowering police to undertake their functions for the benefit of the community without unreasonably limiting rights.

I commend the Bill to the house.

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

Debate adjourned until Thursday, 24 May.

ELECTORAL LEGISLATION AMENDMENT BILL 2018

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*, (**Charter**), I make this Statement of Compatibility with respect to the Electoral Legislation Amendment Bill 2018.

In my opinion, the Electoral Legislation Amendment Bill 2018 (**Bill**), as introduced to the Legislative Assembly, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The Bill amends the *Electoral Act 2002* (Vic) (Electoral Act) to:

make Victoria's electoral system clearer and more efficient; and

enhance the integrity of the Victorian electoral system by introducing a political donations disclosure and reporting scheme, and increase public funding available to political parties and candidates to limit the influence of private donations in the political process.

The Bill will also amend the *Public Administration Act 2004* (Vic) (PA Act) to provide for a minimum number of Parliamentary Advisers non-government political parties and independent members in the Parliament will be entitled to be provided with.

Most relevantly, the Bill will:

acquit the Government's response to recommendations made by the Electoral Matters Committee (**EMC**) in its *Report of the Inquiry into the Conduct of the 2014 Victorian State election (EMC 2014 Report)*;

implement other outstanding recommendations in the *EMC Report of the Inquiry into the 2010 Victorian State Election (EMC 2010 Report)*;

introduce political donations reforms consistent with the position in other Australian jurisdictions; and

introduce changes to foreign donations and penalties recommended by the Commonwealth Joint Standing Committee on Electoral Matters, and consistent with the majority of other Australian jurisdictions.

Key reforms in the Bill include:

- streamlining and better facilitating early voting procedures and processing, including by allowing for online postal vote applications;
- extending restrictions on the display of political signage and other forms of canvassing for votes near voting centres on election day;
- introducing strict deadlines to meet the requirements for registration as a political party;
- introducing specific disclosure thresholds and reporting obligations for political donations, including real time disclosure;
- a ban on foreign donations;
- caps on political donations, including a specific cap for anonymous donations;
- introducing additional powers for the Victorian Electoral Commission (VEC) to investigate compliance, and penalties for non-compliance;
- increasing the current rate of the public funding entitlement payable to eligible candidates in the Legislative Assembly and Legislative Council;
- providing for instalment payments of public funding to eligible political parties and independent elected members;
- providing administrative funding to elected members of the Parliament; and
- specifying a minimum number of Parliamentary Advisers that will be provided to non-government political parties and independent candidates represented in the Parliament.

Human Rights Issues

In my opinion, the human rights under the Charter that are relevant to the Bill are:

- the right to be equal before the law as protected by section 8 of the Charter;
- the freedom of movement as protected by section 12 of the Charter;
- the right to privacy as protected by section 13 of the Charter;
- the right to freedom of thought, conscience, religion and belief under section 14 of the Charter;
- the right to freedom of expression under section 15(2) of the Charter;
- the right to peaceful assembly and freedom of association under section 16 of the Charter;

the right to take part in public life as protected by section 18 of the Charter; and

the right to be presumed innocent as protected by section 25(1) of the Charter.

For the reasons outlined below, I am of the view that the Bill is compatible with the Charter because, to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

Right to recognition and equality before the law (section 8)

Section 8 of the Charter provides that every person has the right to recognition as a person before the law and to enjoy his or her human rights that are set out in the Charter without discrimination. This right prohibits discrimination in law or in fact in any field regulated and protected by public authorities.

Clauses 28 of the Bill may engage this right by amending the Electoral Act to bring forward the deadline for receipt of postal votes from nine days following election day to the Friday immediately following election day. If a postal vote is not received by the deadline, even if it was completed and its accompanying declaration witnessed on or before election day, it is not admitted to the count.

A corollary of the right to vote (and to make the right practically meaningful) is to have one's vote counted. This clause may disproportionately affect certain eligible electors' right to vote (such as remote, interstate and overseas electors) by excluding their votes from the count where received after the deadline. Given the longer period it takes to process and deliver mail from these locations, some ballot-papers sent from these areas may not be counted due to late receipt, even where completed and posted on or before election day.

However, the right to recognition and equality before the law will not be regarded as being limited unless there is some sort of inequality or discrimination on the basis of a personal attribute within the meaning of the *Equal Opportunity Act 2010* (Vic) (**EO Act**), which is not the case here. This is because these provisions do not directly or indirectly distinguish between, or have a disproportionate adverse impact on, persons or groups based on a personal attribute. The deadline would equally apply to exclude any ballot papers completed and witnessed on or before election day but received after the Friday immediately following election day for any reason, regardless of the location at which those ballot papers are posted. There are also alternative methods for voting available to electors — including early, in-person and election day voting — to ensure voting is accessible for all persons.

Clause 41 of the Bill may also engage this right, by introducing a ban on foreign donations. It will be unlawful to accept a political donation unless the donor is an Australian resident or citizen, or has a relevant business number in the case of a donor who is not a natural person. The ban may engage the right to equality before the law, as it may restrict the activities of a person with a nationality other than Australian. To the extent that this restriction limits the right, it is a lawful restriction within the meaning of the Charter, and is not arbitrary as it is reasonably necessary to address concerns about foreign influences on the political process, and is consistent with our system of representative and responsible government.

I therefore consider that the Bill does not limit the right to recognition and equality before the law.

Right to freedom of movement (section 12)

Section 12 of the Charter establishes a right of freedom of movement according to which every person lawfully within Victoria has the right to move freely within Victoria.

Clause 31 will insert new section 110J into the Electoral Act to allow the processing of early votes to begin before the close of voting in a restricted area that:

precludes any person outside the restricted area from seeing or hearing any aspect of the processing; and

is accessible only by persons authorised by the VEC.

The processing of postal votes is to begin at 8 a.m. on election day whilst the processing of early, in-person votes is to begin at 4 p.m. on election day.

This provision limits freedom of movement by allowing an election manager or official to control who can enter or leave the restricted area during the early processing period. However, the limitation is reasonable and demonstrably justified in a free and democratic society as it is necessary to preserve the secrecy of early processing and the integrity of election day voting by preventing the disclosure of voting trends or indicative results before the close of voting.

Clause 43 will insert new section 222B into the Electoral Act, to provide a VEC compliance officer with the power to serve a notice on a person, requiring their attendance at a specified time and place to give evidence or produce documents or other things. To the extent that a notice limits the right to freedom of movement, the limitation is reasonable and justifiable as without being able to require a person's attendance to provide information or things, the purpose and effectiveness of the investigation process would be undermined. Additionally, any limitation would be relatively minor in nature, given that a person's movement will only be restricted for a limited period of time. Furthermore, a notice may only be served on a person (other than a registered political party, candidate, group, elected member, nominated entity, associated entity or third party campaigner) if the compliance officer has reasonable grounds to believe that the person is capable of giving evidence or producing documents or other things in relation to a possible contravention.

Right to privacy (section 13)

Section 13 of the Charter states that a person has the right not to have their privacy unlawfully or arbitrarily interfered with and the right not to have their reputation unlawfully attacked.

Clause 29 also engages the right to privacy by amending section 107 of the Electoral Act to clarify that silent electors may be required to provide their address in certain, non-voting circumstances, such as where the silent elector wishes to be nominated as a candidate or registered officer of a political party or where they wish to authorise printed electoral material. To the extent this provision limits the right to privacy, the limitation is lawful as it is authorised by the Bill and is reasonable and proportionate to ensure the VEC has relevant information to allow persons to participate in the electoral system in a capacity other than as electors.

Anonymous donations

Clause 41 will insert new section 217B into the Electoral Act to make it unlawful to accept a political donation equal to or above \$1,000 unless the donor provides their name and address. This clause engages the right to privacy as it may prevent a person from making a political donation privately.

To the extent that the clause limits the right to privacy, the limitation is reasonable and proportionate to prevent avoidance of the disclosure and reporting scheme and to ensure the integrity of the electoral process. The interference is not arbitrary as it only applies to political donations equal to or above \$1,000 and the personal information must only be provided to the recipient of the political donation.

Disclosure returns

Clause 54 will insert new section 216 into the Electoral Act to require that a disclosure return must be provided to the VEC in relation to any political donation equal to or above \$1,000. A disclosure return must include the name and address of the donor, which engages the right to privacy. The interference is lawful as it is authorised by the Bill, and not arbitrary as the information:

is only required to be provided for political donations equal to or above \$1,000;

is necessary to verify the donor's identity for the proper administration of the disclosure scheme and to promote transparency in financing elections; and

is protected by the safeguard in clause 60 of the Bill, which inserts new section 221A that provides the VEC must keep confidential the street address of a donor, and the full address of a silent elector, as well as any other information that is prescribed to be confidential.

Powers of the Commission (VEC)

Clause 43 will insert new sections 222B and 222C into the Electoral Act, to provide a VEC compliance officer with the power to serve a notice on a person, requiring their attendance at a specified time and place to give evidence or produce documents or other things. To the extent that this power engages the right to privacy, the interference is lawful as it is authorised by the Bill, and is not arbitrary as the power is reasonable and justifiable to provide for the VEC to conduct investigations to monitor compliance with the law. A notice may only be served on a person covered by the scheme, or only served on any other person if the compliance officer has reasonable grounds to believe the person is capable of giving evidence in relation to a possible contravention.

Right to freedom of thought, conscience, religion and belief (section 14)

Section 14 of the Charter states that a person has to freedom of thought, conscience, religion and belief, including —

- (a) the freedom to have or to adopt a religion or belief of his or her choice; and
- (b) the freedom to demonstrate his or her religion or belief in worship, observance, practice and teaching, either individually or as part of a community, in public or in private.

Conduct near voting centres

Clause 35 engages the right to freedom of thought by amending section 158 of the Electoral Act to extend the prohibition on all forms of soliciting and canvassing for votes from within 3 metres of a voting centre entrance to within 6 metres. Clause 36 of the Bill also extends the prohibition on the display of political signage to within 100 metres of a voting centre entrance.

By extending the area near voting centres in which these prohibitions operate, these clauses safeguard electors' right to freedom of political thought by ensuring that they may vote in a neutral environment, free from political pressure or inducement.

Right to freedom of expression (section 15)

Section 15(2) of the Charter provides that every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds — whether orally, in writing, in print or by way of art or other medium.

Confidentiality obligations

Clause 31 of the Bill engages the right to freedom of expression by imposing confidentiality obligations on individuals and registered political parties.

Clause 31 — inserts a new section 110J(5) which provides that it is an offence for a person to disclose, or otherwise use, information obtained during the processing of ballot-papers, other than for the purpose of conducting the processing.

Whilst this provision engages the right to freedom of expression, it would be a lawful restriction within the meaning of section 15(3) of the Charter as it is reasonably necessary to respect the rights and reputation of other persons.

To the extent that this clause goes to protecting the 'free expression of the will of the electors' (by avoiding undue influence or confusion), it is protecting the right to take part in public life pursuant to section 18(2)(a) of the Charter.

Conduct near voting centres

Clause 35 engages the right to freedom of expression by amending section 158 of the Electoral Act to extend the prohibition on all forms of soliciting and canvassing for votes from within 3 metres of a voting centre entrance to within 6 metres. Clause 36 of the Bill also extends the prohibition on the display of political signage to within 100 metres of a voting centre entrance. However, premises used as a private residence that are located within 100 metres of a voting centre are excluded from the prohibition. This ensures electors will be free to express their political opinions in and around their homes.

To the extent that these clauses limit the freedom of expression by making it an offence for persons to canvass for votes within close proximity of voting centres, the limitation is reasonable and proportionate to the objective of protecting electors' right to cast their votes in a neutral environment, free from political pressure or inducement. This, in turn, safeguards electors' right to freedom of political thought in section 14 of the Charter.

Registered political party logos

Clause 8 of the Bill amends the Electoral Act to allow political parties to apply to have a party logo registered with the VEC. Clause 10 of the Bill inserts a new section 47A which requires the VEC to refuse to register a logo in certain circumstances — for example, if the logo is obscene, is the same as another registered political party logo, or is likely to mislead or confuse electors. This is consistent with the VEC's existing power in the Electoral Act to refuse to register political party names in certain circumstances.

To the extent that the power to refuse to register a logo limits freedom of expression, it is reasonable and necessary to ensure such logos do not mislead or confuse electors and are not obscene. This may also fall within the 'public order and public morality' limitation (section 15(3)(b) of the Charter). That limitation describes laws, which would also include the Bill, which give effect to rights or obligations that facilitate the proper functioning of the rule of law and measures for peace and good order, public safety and prevention of disorder and crime, and the sum of rules which ensure the functioning of society or the set of fundamental principles on which a society is founded: see *McDonald v Legal Services Commissioner (No 2)* [2017] VSC 89, [43].

The cap on political donations

Clause 55 of the Bill inserts new section 217D into the Electoral Act that provides that political donations made to a candidate, elected member, group, registered political party, nominated entity, associated entity, or third party campaigner, must not exceed a general cap of \$4,000 for each election period.

The cap engages the right to freedom of expression by:

limiting the funds available to a candidate, elected member, group, registered political party, nominated entity, associated entity, or third party campaigner to engage in political communication; and

limiting a person's ability to donate to engage in political communication.

To the extent this clause limits freedom of expression, it is reasonable and demonstrably justified to reduce the risk and public perception of corruption and undue influence in the political process, and is necessary to ensure equal participation in the electoral process.

The cap on the number of third party campaigners to whom a donor can donate

Clause 55 of the Bill inserts new section 217F into the Electoral Act to limit the number of third party campaigners a donor may make a political donation to. This is to prevent the proliferation of third party campaigners as a means to exceed the general cap, by donors seeking to split their political donations among a large number of third party campaigners.

To the extent that this clause limits the freedom of expression, it is reasonable and demonstrably justified to ensure the integrity of the general cap and prevent its effectiveness being undermined. The general cap will, in turn, reduce the risk of undue influence in the political process and ensure equal participation in the electoral process.

Ban on foreign donations

Clause 41 of the Bill inserts new section 217A into the Electoral Act that introduces a ban on foreign donations. It will be unlawful to knowingly accept a political donation unless the donor is an Australian resident or citizen, or has a relevant business number in the case of a donor who is not a natural person.

The ban may engage the right to freedom of expression by potentially preventing foreign nationals who have a substantive connection with Victoria from engaging in political communication.

Although this clause may engage the right to freedom of expression, it is a lawful restriction within the meaning of the Charter as it is reasonably necessary to address concerns about foreign influences on the political process, and is consistent with our system of representative and responsible government.

Instalment payments for public funding

Clause 52 of the Bill inserts new sections 212A and 212B into the Electoral Act that provide for instalment payments of public funding to eligible registered political parties and independent candidates. A party or candidate will be eligible if they received a payment of public funding under section 208 of the Electoral Act at the immediately preceding general election. Therefore, eligibility will be limited to those candidates who contested the previous general election, and received a total first preference vote of at least 4% of votes given in the election.

The instalment payments will alleviate the restrictive effect of the caps and bans on the ability of political parties and candidates to fundraise for political expenditure. The effect of the Bill in limiting the source of funding available to candidates and parties may engage the right to freedom of expression, by only making instalment payments available to those parties or candidates who satisfy the eligibility criteria. In particular, this may favour the established political parties and their candidates.

The right to freedom of expression includes the ability for individual citizens to express an opinion through their vote in support of a party or candidate. Restricting resources to exclude those who cannot satisfy the eligibility criteria, may decrease the capacity of members and supporters of smaller parties to introduce ideas and opinions into the political debate.

To the extent this clause burdens the freedom of expression, it is a lawful restriction within the meaning of the Charter, as it is reasonably necessary to support the political donation reforms in the Bill as a whole, which are for the legitimate purpose of securing and promoting the actual and perceived integrity of the Parliament. The eligibility threshold (total first preference vote of at least 4% at immediately preceding election) will appropriately prevent candidates or parties from receiving instalment payments if they only receive a handful of votes, make no substantial contribution to the democratic process, or have little intention of engaging in electoral competition.

Additionally, the provisions introducing the instalment payments of public funding will not limit the eligibility to receive public funding following an election, which will also minimise the burden on this freedom.

Right to peaceful assembly and freedom of association (section 16)

Section 16 of the Charter provides that every person has the right of peaceful assembly and the right to freedom of associating with others, including the right to form and join trade unions.

Conduct near voting centres

These rights are engaged by:

clause 35 of the Bill which extends the prohibition on all forms of soliciting and canvassing for votes from within 3 metres of a voting centres to 6 metres; and

clause 36 of the Bill which extends the prohibition on the display of political signage to within 100 metres of a voting centre entrance (subject to exceptions).

The effect of these clauses is to make it an offence for a person (including a body corporate) to solicit the vote of any elector, canvass for votes, conduct exit polls, induce electors not to vote, or exhibit a notice or sign relating to an election within 6 metres of the entrance of a voting centre and, in the case of the display of notice or signs relating to an election, also within 100 metres of a voting centre (subject to exceptions).

To the extent these clauses limit the right to peaceful assembly and freedom of association in and around voting centres, I consider that the limitations are reasonable and necessary to ensure that electors may cast their votes in an environment free from political pressure and inducement. This in turn further protects the right to privacy (section 13) and the right to take part in public life (section 18).

Right to take part in public life (section 18)

Section 18 of the Charter provides that a person has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives.

Every eligible person has the right, and is to have the opportunity, without discrimination —

to vote and be elected at by-elections and periodic State and municipal elections that guarantee the free expression of the will of the electors; and

to have access, on general terms of equality, to the Victorian public service and public office.

New deadlines to meet the requirements for registration as a political party

Clauses 8, 11 and 14 of the Bill engage the right to take part in public life by amending sections 45 and 51 of the Electoral Act to introduce stricter time limits for applicants to meet the requirements to register a political party. This includes:

requiring that an application for registration must be made no later than 120 days before the general election day; and

allowing applicants to make only one amended application within 30 days after being notified of any deficiencies in the application by the VEC.

The right to take part in public life, however, is not unqualified. In particular, the right extends only to eligible persons and in turn, allows Victorian legislation to establish application requirements. To the extent these clauses limit the right to take part in public life by restricting the circumstances in which an applicant may register a political party, it is reasonable and necessary to ensure the VEC is able to process and assess the genuineness of applications made in a timely manner. Further, it ensures applicants are given a reasonable opportunity to participate in the application process and amend their application to meet the statutory requirements.

New deadline for receipt of postal votes

Clauses 28 of the Bill may engage this right by amending the Electoral Act to bring forward the deadline for receipt of postal votes from nine days following election day to the Friday immediately following election day. If a postal vote is not received by the deadline, even if it was completed and its accompanying declaration witnessed on or before election day, it is not admitted to the count.

To the extent this clause limits the right to take part in public life, it is a lawful restriction within the meaning of the Charter as it is consistent with our system of representative and responsible government. By applying clear and reasonable time limits in which the right to vote by post is to be exercised, the clause appropriately balances the need to provide electors with sufficient opportunity to vote with the need to avoid delayed election outcomes caused by unduly protracted deadlines for postal votes received after the election.

Ban on foreign donations

Clause 41 of the Bill inserts new section 217A into the Electoral Act, which introduces a ban on foreign donations. The ban may engage the right to take part in public life by preventing foreign nationals who have a substantive connection with Victoria from making a political donation.

To the extent that the clause limits the right to take part in public life, it is a lawful restriction within the meaning of the Charter as it is reasonably necessary to address concerns about foreign influences on the political process, and is consistent with our system of representative and responsible government.

The cap on the number of third party campaigners to whom a donor can donate

Clause 55 of the Bill inserts new section 217F into the Electoral Act to limit the number of third party campaigners a donor may make a political donation to. This is to prevent the proliferation of third party campaigners as a means to exceed the general cap, by donors seeking to split their political donations among a large number of third party campaigners.

To the extent that this clause limits the right to take part in public life, it is reasonable and demonstrably justified to ensure the integrity of the general cap and prevent its effectiveness being undermined. The general cap will, in turn, reduce the risk of undue influence in the political process and ensure equal participation in the electoral process.

Advance payment of public funding

As discussed above, clause 52 of the Bill inserts new sections 212A and 212B into the Electoral Act that provides for the

instalment payment of public funding to eligible registered political parties and independent candidates.

The right to take part in public life may be burdened as those candidates who are not eligible for instalment payments will be less able to convey the opinions and policy preferences of their supporters. Additionally, those candidates will be less able to provide information to citizens which will in turn impair the information available to voters in exercising their electoral choice.

To the extent this clause burdens the right to take part in public life, it is a lawful restriction within the meaning of the Charter, as it is reasonably necessary to support the political donation reforms in the Bill as a whole, which are for the legitimate purpose of securing and promoting the actual and perceived integrity of the Parliament. The eligibility threshold (total first preference vote of at least 4% at immediately preceding election) will appropriately prevent candidates or parties from receiving instalment payments if they only receive a handful of votes, make no substantial contribution to the democratic process, or have little intention of engaging in electoral competition.

Additionally, the provisions introducing the instalment payment of public funding will not limit the eligibility to receive public funding following an election, which will also minimise the burden on this freedom.

Right to a presumption of innocence (section 25)

Section 25(1) of the Charter provides that a person has the right to be presumed innocent until proved guilty according to law. This right requires the prosecution to prove all elements of a criminal offence, which generally includes the intention of the person to have committed the offence.

Strict liability offences

Part 2 of the Bill introduces the following strict liability offences and accompanying penalties:

- (a) printing, publishing or distributing a non-compliant how-to-vote card (or cause, permitting or authorising such activity), with a penalty of 10 penalty units for a natural person and 50 penalty units for a body corporate (new section 83A(1));
- (b) entering a restricted vote processing area with a device that could be used to transmit information outside the area, with a penalty of 600 penalty units (new section 110J(4));
- (c) unauthorised use or disclosure of information obtained during the processing of ballot-papers, with a penalty of 600 penalty units for a natural person and 3000 penalty units for a body corporate or registered political party (new section 110J(5));
- (d) exhibiting a notice or sign relating to an election within 100 metres of a voting centre (subject to exceptions), with a penalty of 5 penalty units (new section 158A(2));
- (e) failing to provide a disclosure return or annual return, with a penalty of 200 penalty units (new section 218A(1));

- (f) failing to retain a record relating to a matter required to be specified in a disclosure return or annual return for a period of at least 4 years after the disclosure return or annual return is provided to the VEC, with a penalty of 200 penalty units (new section 218A(4)); and
- (g) failing to comply with a notice issued by a compliance officer to the extent the person is capable of complying, with a penalty of 200 penalty units (new section 222D(1)).

These offences engage the presumption of innocence as they are all strict liability offences, meaning there is no requirement to prove the state of mind of the accused. However, the defence of reasonable mistake is still available.

The requirement to prove the intention of a person to do a particular act is an important safeguard for the rights of an accused person. Strict liability offences may be appropriate where the offences:

- are of a regulatory nature (rather than serious criminal offences);
- do not attract a penalty that includes imprisonment; and,
- as far as possible, do not require a person to rely on information from, or actions by, third parties to ensure compliance.

This is the case in relation to each of the offences above.

The offences in Part 2 of the Bill are:

- of a regulatory nature and are necessary to ensure the proper functioning of the electoral system and the protection of electors' personal information;
- not punishable by imprisonment; and
- not dependent on the actions or omissions of third parties — rather, compliance with each provision is within the unique control of the individual.

Further, it is appropriate for strict liability to apply to the offences in Part 2 of the Bill because doing so facilitates the effective enforcement of electoral laws, particularly in cases where an individual's intention when acting in contravention would be uniquely within that individual's knowledge. It is also justified on the grounds that these offences are readily understood, it is obvious what a person must do to comply with these provisions and compliance is not onerous.

Registered agents

The disclosure obligations under clause 54 of the Bill, and the requirements in relation to keeping and dealing with the State campaign account under clause 45 of the Bill, are imposed on the registered officer of a political party, or the registered agent of a candidate, group, elected member, nominated entity, associated entity or third party campaigner.

Clause 45 of the Bill provides that for an associated entity or third party campaigner (who is not a natural person), if an agent is not appointed, the financial controller is taken by default to be the registered agent. A financial controller means either the secretary of a corporation, the trustee of a trust, or otherwise the person responsible for keeping the financial

records. This clause engages the right to be presumed innocent, as it may impose a liability on financial controllers solely due to their position designating them as the registered agent.

I do not consider, however, that clause 45 limits the right to be presumed innocent, as it is necessary to designate an individual who is responsible for complying with the political donations disclosure and reporting scheme, for the proper operation of the scheme. Further, the prosecution would still be required to prove all mental and physical elements of the offence.

Accessory liability

Clause 37 of the Bill makes consequential amendments to section 179A so that criminal accessory liability attaches to certain offences in the Bill — namely, the offences in new sections 83A(1), 110J(5) and 158A(2) (discussed above). This clause engages the right to be presumed innocent as it imposes liability on officers, not for committing a specified offence themselves, but for authorising, or being knowingly concerned in, the commission of an offence by their corporation.

I do not consider, however, that clause 37 limits the right to be presumed innocent. This is because it is a well-accepted principle of criminal law that accessory liability may attach to officers because a corporation's liability derives from the actions or omissions of its directors, officers and agents. Further, the prosecution would still be required to prove all mental and physical elements of the offence. Section 179A(3) also ensures that an accused officer may rely on any defence available to the body corporate.

I therefore consider that, neither the strict liability offences in Part 2 of the Bill nor the imposition of accessory liability unduly, limit the right to be presumed innocent.

Conclusion

I consider that the Bill is compatible with the Charter because, to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

I commend the Bill to the House.

The Hon. Jacinta Allan, MP
Minister for Public Transport

Second reading

Mr PAKULA (Attorney-General) (10:11) — I move:

That this bill be now read a second time.

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

The legislation being introduced today will be one of the most significant reforms of the *Electoral Act 2002* (the Act) since its enactment. In addition to making Victoria's electoral system clearer and more efficient and accessible, the Bill gives Victoria a robust political donations and disclosure scheme that we can be proud of.

Electoral process reforms

The Government is committed to ensuring that all eligible Victorians can effectively participate in the electoral system. This objective can become frustrated if enrolment and electoral processes serve as a barrier to the exercise of an individual's right to vote.

Victoria can claim one of the highest voter turnout rates for periodic general elections worldwide, and consistently good enrolment rates in comparison with other Australian states and territories. However, the Electoral Matters Committee in its **Report of the Inquiry into the Conduct of the 2014 Victorian State election** highlighted some concerning trends in relation to participation in Victorian elections and suggested a number of improvements to the conduct of elections including the Victorian Electoral Commissioner's (VEC) operations. The Bill acquits the Government's response to the recommendations made by the Electoral Matters Committee in that report.

A person enrolling on the electoral register must verify their identity

The Bill amends the Electoral Act to remove the requirement that a claim for enrolment be witnessed by an elector and to introduce a requirement for an enrolling person to provide evidence of their identity such as a driver's licence or passport. This reform simplifies the enrolment process by relying on identification documents rather than third party witnessing to evidence identity, which brings Victoria into line with all other Australian jurisdictions.

Early voting to commence on the Monday after final nomination day

The Bill provides for early voting to commence on the Monday after the final nomination day to allow the VEC sufficient time to receive nominations from candidates and distribute ballot papers before voting commences. This reform is consistent with the Electoral Matters Committee's recommendations.

A person is not required to give a reason when applying to vote early

The Bill amends the Electoral Act so that it no longer requires a person to make a declaration (orally or in writing) about their inability to vote in person on election day or provide a reason for early voting. This approach is consistent with recent reforms by other jurisdictions.

Streamlining processing of early, in-person votes and postal votes

There is an expectation from the public that an election result should be available on election night. The Bill amends the Electoral Act to require early in-person votes cast in a voter's 'home' district or region to be kept separate from early votes cast in an 'outside' district or region. This reform is consistent with the approach at the Commonwealth level in separating pre-poll 'ordinary' (home) votes from pre-poll 'declaration' (away) votes. The Bill will also allow the VEC to begin processing (but not counting) early, in-person votes two hours before the close of voting, and postal votes from 10 hours before the close of voting, on election day, subject to appropriate safeguards to prevent the early disclosure of voting trends.

Allowing online postal vote applications

Currently, applications for postal voting cannot be made online. Applications must be made in writing using an approved application form. The Bill amends the Electoral Act to permit online postal vote applications.

Simplifying witnessing requirements for postal vote applications

Consistent with the Electoral Matters Committee's recommendation, the Bill removes the requirement that a witness to a written postal vote application include their title or capacity. The current 'title or capacity' requirement is confusing for some voters (e.g. those who have low literacy or do not speak English) and is not necessary for the VEC to process an application. Additionally, the Bill simplifies who may be an authorised witness to be a person who is 18 years or over and is not an election candidate.

Bringing forward the deadline for the receipt of postal vote applications

To manage voter expectation and help ensure that voters who submit their applications on time receive their ballot papers before election day, the Bill amends the Electoral Act to bring forward the deadline for the receipt of postal vote applications by the VEC to 6 p.m. on the Wednesday (rather than the Thursday) immediately before election day.

Postal votes received after election day will be inspected based on their date of receipt

The Bill amends the Electoral Act so that a postal vote will be admitted for counting based on the dates it is received and the accompanying declaration is witnessed, rather than if and when it was postmarked. Specifically, a ballot paper is deemed to have been posted before 6 p.m. on election day if:

- (a) received by VEC by 6 p.m. on or before the Friday immediately after election day, regardless of whether the envelope is postmarked or not; and
- (b) the declaration is witnessed on or before election day.

The reforms reduce the current nine day window for receipt of postal votes to five days, making Victoria consistent with other jurisdictions (for example Western Australia and New South Wales).

New deadlines to meet the requirements for registration as a political party

The Bill amends the Electoral Act to modify the timing requirements for the registration of political party. The Bill requires:

- (a) an application to register as a political party no later than 120 days before the day of the general election; and
- (b) the VEC to either approve the application or notify the applicant of any deficiency in the application within 30 days of receipt.

Where a prospective registered political party is notified of a deficiency in their application, they will be allowed to make

one varied application within 30 days of receipt of the VEC's notice.

If the varied application is satisfactory, the VEC is required to publicly advertise and publish in the Government Gazette a notice of the application within 14 days of receipt.

If the varied application remains deficient, the VEC must refuse the application. The VEC will have discretion to allow the applicant to correct any minor or technical deficiencies. Introducing stricter timeframes for a political party to meet statutory requirements allows the VEC to process and assess the genuineness of applications in a timely manner. This is particularly important given the recent trend of more political parties contesting elections.

Simplifying how to vote cards

The Bill also provides more flexibility in the registration of how-to-vote cards which are submitted to the VEC for registration, such as requiring an authorisation message to appear only once on each printed side of all how to vote cards. These changes promote greater transparency for voters and are consistent with other jurisdictions.

Stricter restrictions on the use of political signage

There has been an increase in the use of campaign signage, especially large plastic 'bunting', on fencing and walls outside voting centres on election day. This trend has been criticised for creating visual pollution and for being wasteful. To address these criticisms, the Bill prohibits the display of any notice or sign, other than an official notice, relating to the election:

- (a) within six metres of the entrance of a voting centre; and
- (b) within 100 metres of the entrance of a voting centre (but excluding any premises used as a private residence within this distance), subject to an exception permitting each candidate, registered political party or organisation to display one sign not exceeding 600mm by 900mm or another prescribed size at each designated entrance to the grounds of a voting centre.

The Bill extends the current prohibition on the canvassing for votes within three metres of the entrance of a voting centre to a distance of six metres consistent with other Australian jurisdictions.

Fixing early voting at by-elections at 12 days before the by-election polling day

The Bill fixes the early voting period for by-elections to 12 days prior to a by-election, that is, the Monday occurring 12 days before a Saturday by-election. This reform is consistent with the practice for general elections, which also have a 12-day early voting period. Voters who cannot attend a polling place on election day will now have a reasonable opportunity to vote early while minimising the adverse impacts of lengthy early voting periods.

Providing the Speaker discretion to issue writs for by-elections close to an election

The Bill gives the Speaker the discretion not to issue by-election writs if the vacancy occurs on a day after 30 June

in the year of a general election resulting from the expiration of the Assembly.

Political donations disclosure and reporting scheme

This Bill introduces some of the strictest and most transparent political donation laws in Australia. The reforms enhance the integrity of the Victorian electoral system by introducing a political donations disclosure and reporting scheme, caps on political donations, a ban on foreign donations, and stronger penalties for infringing the law, in order to limit any improper influence of private donations in the political process.

There is currently no comprehensive Victorian scheme for regulating political donations. Our reliance on the Commonwealth scheme has resulted in a lack of transparency about donations, and lengthy delays before donations are publicly disclosed. Since 2009, a number of reports by experts and Parliamentary committees, including the Electoral Matters Committee, have acknowledged these issues and the broad community concerns with the potential for political donations to improperly influence the political process.

The Government firmly believes that voters have a right to know about who makes and receives political donations, and that political donations should not unfairly or improperly influence the political process.

Application of the scheme

The scheme introduced by the Bill will apply to any individual or entity that makes or receives political donations. This will include registered political parties, candidates, groups of candidates, elected members, associated entities, third party campaigners, nominated entities and donors.

An associated entity will be defined as an entity that is associated with a political party by membership, by voting rights or by purpose. Unions and fundraising clubs are examples of associated entities. A third party campaigner will be defined as a person or entity who is not a candidate, elected member, political party, or associated entity, but who incurs more than \$2000 of political expenditure in a financial year. A third party campaigner could include a range of large or small activist or public interest groups.

A nominated entity is a new class of entity, introduced to address the operational and organisational structures that may exist for registered political parties in Victoria. Gifts between a nominated entity and its political party will be exempt from the scheme, and provide for registered political parties that use a separate entity to hold and maintain assets for the party, or provide services for the party.

Activity regulated by the scheme

In terms of what kinds of activity will be covered by the new scheme, the Bill provides clear definitions of political donation and political expenditure.

A political donation will include gifts of money, property, and services-in-kind, made without consideration. Importantly, a gift to an associated entity or third party campaigner will only be a political donation if it is for the purpose of incurring or reimbursing political expenditure. Levies or annual subscription fees will not be considered political donations, nor will loans made on a commercial basis from recognised financial institutions. Volunteer labour will continue to be excluded from the meaning of a gift.

Political expenditure will be defined as any expenditure for the dominant purpose of directing how a person should vote at an election by promoting or opposing a candidate or political party. Advertising and raising awareness about issues, without promoting or opposing a candidate or political party, will not be considered political expenditure. Political expenditure has been defined narrowly in this way, to ensure that all Victorians will maintain their right to engage in public discussion on policy matters that are important to them.

Caps and bans on political donations

The Bill will introduce a complete ban on foreign donations, regardless of the amount of the donation. It will be unlawful to accept a political donation unless the donor is an Australian resident or citizen, or has a relevant business number if the donor is not a person. The purpose of the ban is to address growing concerns about foreign influences in State elections, which is consistent with our system of representative and responsible government.

The Bill will also make it unlawful to accept anonymous political donations over \$1,000. This will preserve the integrity of the electoral process and prevent avoidance of the disclosure and reporting scheme.

The Bill will introduce a cap of \$4,000 for each four-year election period on political donations made from the same source. The cap will ensure a level playing field and provide equal participation in the electoral process, reducing the potential for those with 'deep pockets' to try and exert greater influence. It will also be unlawful to make political donations to more than six third party campaigners for each election period, to prevent a proliferation of third party campaigners as a means to circumvent the cap.

Disclosure of political donations

Victorians need to know who makes and receives political donations, to monitor the potential risk that donors are influencing political decisions. The new disclosure obligations in the Bill will make this information available to the public in a timely way. The Bill introduces a requirement for each political donation equal to or above \$1,000 to be disclosed by both the donor and recipient. Disclosure must occur in real time, by submitting a disclosure return to the VEC within 21 days of either making, or receiving, a political donation. The VEC will publish disclosure returns on its website within 7 days of receipt. Real time reporting will significantly increase transparency in our political system.

In addition to real time reporting, annual returns must be provided to the VEC by those who receive political donations. The amount of detail required in an annual return will vary, from registered political parties who will be required to set out their entire financial position, to third party campaigners who must only set out their financial position in relation to the political donations they received. The VEC will also publish annual returns on its website.

Changes to the payment of public funding

Reflecting the current national trend to increase public funding for elections to reduce the reliance on private donations, and given the public funding currently available in Victoria is relatively low, the Bill will increase the public funding paid to reimburse registered political parties' and candidates' campaign expenses. This recognises that the

proposed caps on political donations will reduce how much money candidates can raise.

Additionally, to help elected Members of Parliament meet the administrative costs of running their offices and complying with the new disclosure and reporting requirements, the Bill will provide for administrative expenditure funding to be paid to each elected Member. An amount of \$40,000 per year, will be paid in quarterly instalments in advance. Administrative funding cannot be used for political expenditure or electoral expenditure.

Changes will also be made to remove the discretion for the Government of the day to determine the number of parliamentary advisers that may be employed by Opposition and crossbench MPs. The Bill will specify a minimum number of Parliamentary advisers that may be employed, which will remove the secrecy surrounding staffing arrangements and provide certainty and fairness for the Opposition and cross-benchers.

Enforcing the scheme

The Bill provides the VEC with additional powers to monitor compliance with the scheme. The VEC will be able to appoint compliance officers, who will have powers to gather information to investigate possible contraventions of the Act.

The Bill will also introduce new penalties, and strengthen existing penalties, for failing to comply with the disclosure and reporting scheme. Penalties of up to two years in prison, or fines up to \$45,000, will act as a significant deterrent and signals how seriously the integrity of the political donations scheme is to the Victorian community.

Technical amendments and improvements

The proposed Bill makes technical and operational improvements to the Electoral Act proposed by the VEC.

Conclusion

The Electoral Act is fundamental to the operation of democracy in Victoria. The Bill makes significant improvements to current electoral processes to ensure that elections continue to be efficiently conducted and Victorians continue to participate in the process.

The Bill also marks a new era of transparency and accountability. The political donations and reporting scheme in the Bill is founded firmly on the belief that the integrity of the electoral system can be preserved if the public is made aware of the sources of private donations.

I move that this Bill be now read a second time.

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

Debate adjourned until Thursday, 24 May.

LIQUOR AND GAMBLING LEGISLATION AMENDMENT BILL 2018

Second reading

Debate resumed from 28 March; motion of Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation).

Mr D. O'BRIEN (Gippsland South) (10:12) — I am pleased to rise to speak on the Liquor and Gambling Legislation Amendment Bill 2018, indeed it is the first time as a shadow minister for this portfolio.

Mr Richardson interjected.

Mr D. O'BRIEN — Thank you for your assistance, member for Mordialloc. I will try not to stuff it up. Thankfully this is not a particularly controversial bill. It is effectively an omnibus bill that addresses quite a wide range of issues in both the liquor and gambling spaces. The bill, I understand, is the result of a period of consultation on the Liquor Control Reform Act 1998 in particular and makes a number of relatively minor changes with respect to that act and also to the Gambling Regulation Act 2003. Again they are minor but quite detailed changes to some aspects with respect to keno licences and the like. Nonetheless, as we often deal with in this chamber, this is an important piece of legislation that needs to go through.

There are some aspects of this bill that I think will certainly be welcomed by the community. The opposition will not be opposing this piece of legislation, although I will go through some of the concerns that have been raised with us that perhaps the government may be able to answer in the course of the debate. I will begin with one of the main reforms in this legislation, and that is the banning of alcohol advertising within 150 metres of a school. I note that this is consistent with the legislation introduced last year, which bans gambling advertising within 150 metres of a school. One of the reasons I believe the government has settled on 150 metres is that it is consistent with the views of the Outdoor Media Association of Australia, which is the peak body for billboards and the like outdoors. We have no particular issue with this clause, although there will be some in the community who will suggest that this is further nanny-state regulation.

When we talk, though, about banning alcohol advertising from within 150 metres of a school, I think it is pertinent to note that this legislation being introduced by the Labor government comes at the same time as it is introducing a heroin and ice injecting room right next door to a school. The message being sent by this government is that you

cannot advertise a legal product within 150 metres of a school but it is perfectly fine to sanction heroin injecting and ice injecting at a facility right next door to a school, in the case of Richmond West Primary School. There is a level of hypocrisy and inconsistency with this government that is staggering. On the one hand you cannot advertise a legal product within 150 metres of a school, but the government is actually endorsing the injecting of heroin and ice, which are illegal products, right next door to a school.

We have seen confusion on the other side about whether the Richmond facility will be the only one or whether there will in fact be more. That is the logical extension of that — if the facility is all about saving the lives of drug-affected and drug-addicted users, then you would not just have it in one place. The logical conclusion is difficult to comprehend when the government is saying that a legal product cannot be advertised but illegal products can in fact be used. I do agree that we should do what we can to ensure that our children are protected but also that they are not bombarded with images and advertising with respect to liquor and gambling.

There are some concerns. As I said, we initially queried why the figure of 150 metres was chosen when very obviously kids are travelling from much greater distances than that to and from school, so they will come across advertising in a number of places. Within 150 metres of a school, as I said, is the policy that I believe is within the code of conduct of the Outdoor Media Association. I have received some contact from the Outdoor Media Association, which has raised some concerns about the actual implementation of this particular limit, in particular with respect to gambling, where that legislation is now active, but also prospectively with this piece of legislation as it pertains to liquor advertising. I guess it comes down to the quite detailed, intricate matters that need to be considered when we are dealing with a ban such as this.

The Outdoor Media Association has done some mapping of Melbourne — in fact it might be Victoria; I stand to be corrected. They have mapped the schools in our state and found that there are 887 shops or shopping centres within 150 metres of a school. They are asking for some clarity on how indeed this will be policed and implemented. For example, if there is a corner shop which is right on the line, on the border, a sign that is within 150 metres would no doubt be banned, but if it is a sign inside a shop or inside an office promoting alcohol or gambling and it is also physically within 150 metres of a school, would it also be caught by this ban? There are some logical questions that apply, and you would hope of course that inspectors would take a

pragmatic approach to this, particularly in the transition period. An answer to the question of how that would apply would be useful.

The other question is with respect to direct line of sight. If a building has an advertising hoarding on the opposite side to a school which cannot be seen from the school but is within 150 metres, does that apply? Presumably the ban would apply. But again, if that building is right on the border, there is a question mark over whether that ban would apply too. I think the government could do some work in clarifying those questions. The Outdoor Media Association has suggested that some of the grandfathering clauses be extended. I am not so sure that that is necessary but I think, with respect to both the legislation that passed last year on gambling and this legislation, the department and the minister's office could take up some of these questions with those who will be directly affected.

The bill has quite a number of other provisions with respect to liquor in particular, and it is quite surprising that some of them are even there. For example, we are introducing through this legislation an offence to knowingly deliver alcohol to a minor. In some respects it comes as a surprise that this is not an offence now, but of course up until recent times we have not really had home delivery of alcohol. This provision is being introduced to respond to the growth of the service economy, where we have got companies such as Uber Eats, Tipple and probably dozens of others now providing an alcohol delivery service. Currently, as the law stands, the onus is on the business supplying the alcohol to ensure that it is not supplied to anyone under 18. This change will make sure that the delivery driver or rider — whoever is actually delivering the alcohol — must ensure that the person taking receipt is actually of legal age and at the very least will have to have sought and seen proof of age. I think that is a sensible offence to introduce.

Continuing on the theme of alcohol and minors, we have a probably rather unique situation. Certainly I think many people would be surprised to learn that it is still legal for a minor to drink alcohol in a hotel while having a meal, provided they are with their parents — with their parents' consent they can drink alcohol. Once upon a time that was probably seen as acceptable, a way to introduce kids to a glass of wine or a beer, but of course a minor does not necessarily mean a 17-year-old or a 16-year-old — it could feasibly be applied to anyone under age. This legislation removes that current exemption, and is actually supported by the Australian Hotels Association (AHA). A number of publicans I have spoken to have indicated that it is an anomaly, a

difficult one to police and one that they would rather be rid of. So we certainly welcome that change.

A question that I will put to the government is: what work will be undertaken by the government, the department and the commission perhaps to help educate and inform publicans but also, more particularly, to ensure that those publicans have the resources to inform their staff that this change is being made? Those who undertake the responsible service of alcohol (RSA) course will be apprised of the legislation, and so hopefully that will be included in any future training to ensure that this particular rule is now being abolished. As I said, it is probably a tricky one because there would be many people, I suspect, in our community who would not understand that the legislation currently allows children to drink in a pub under those circumstances. So we probably do not want to highlight that as an issue, but it would be important that the government ensure that people serving alcohol in pubs and clubs are actually aware of the change.

There is another change that seems to be almost on face value bizarre when we are requiring the supply of alcohol to minors on a private premises to be undertaken in a responsible manner. We would hope that that would always be the case, but of course again it is important to ensure these things are in law. There is a significant list of factors in this particular clause as to what 'responsible' means, but they are commonsense rules. Again it is up to parents in private premises to make the decision whether their children can have a drink, but the legislation sets out what should be obvious to anyone — that they should not be drinking to excess — and a range of other measures that do make common sense.

There is a further clause with respect to alcohol being taken from licensed premises. This is one that I think most people will welcome. Currently as it stands, if you go to a restaurant or a cafe and you buy a bottle of wine but you do not finish the bottle of wine you are not allowed to take it away because it has been opened. This clause will be changing that so that if the bottle or the receptacle, whatever the alcohol or the liquor might come in, is able to be repackaged — obviously this is applying specifically to bottles where you can put the cap back on securely — you can take away the half-drunk bottle of wine. I must say that when I spoke to my colleagues and friends about this they were bemused as to why this would be needed because who actually ever leaves half a bottle of wine at a restaurant? But I know this is an issue, so I think the community will welcome this as a commonsense change that allows anyone who is having a meal and having a bottle

of wine — whatever liquor it might be — to take it away if it is not fully consumed.

The other clause with respect to pubs and clubs removes the requirement for licensees to maintain a register of staff with a responsible service of alcohol certificate or training. Currently licensees have to maintain a register — either a document or an Excel spreadsheet that says that Joe, Bill and Betty have all got their RSA, the date it was achieved and its currency et cetera. It certainly has been an issue that has been raised with me by hotels — that keeping this register up to date was difficult and was often the subject of infringements from inspectors if someone had not made the most recent update to the register.

The change proposed in this legislation is to abolish the register but still ensure that certificates are available for all staff to prove that they have an RSA on request from an inspector from the commission, and that is a commonsense approach. It does not in any way reduce the responsible service of alcohol because, as I said, all staff serving alcohol will still have to have the RSA and a certificate will still need to be proven, but no longer will the licensee have to maintain that register, which, as I said, has been problematic for some in the past — and is just additional administration and additional red tape. So removing that is certainly welcome, and it has been welcomed by the AHA as well.

Another clause is to allow spirit producers access to the current wine and beer licence that allows cellar-door and promotional event sales. Currently this is restricted to only wine, beer and brandy producers, but it will be extended to spirit producers. Again I think this is common sense. We have had in recent years a boom in local producers, whether that is wineries, which obviously we have had for a long time, boutique breweries, which obviously have made a renaissance, or spirit producers, which we are particularly seeing now. I know there are a couple in my electorate.

I give a shout-out to the Loch Brewery & Distillery in beautiful little Loch in South Gippsland. This is a brewery and distillery that is producing gin, vodka and a number of other liquors and doing a fantastic job of it. We recently, back in February, had the Meeniyar Garlic Festival, and the Loch Brewery & Distillery produced a garlic beer, which was extraordinary.

Mr Edbrooke interjected.

Mr D. O'BRIEN — It was very nice actually, I might say, member for Frankston. It was lovely. I did not get any kisses that night after the garlic festival, but the Loch Brewery & Distillery does a great job there

and they are producing some great stuff. I think they will be one of the types of businesses in our state that will take advantage of that licence which allows cellar-door and promotional event sales but which currently is restricted to wine and beer licensees.

With respect to liquor licensing and transfers and applications, this legislation removes a number of administrative delays in the granting of liquor licences. For a start, once a licence is approved the commission will be able to issue a licence before it completes all the necessary paperwork, which can sometimes take weeks. I am talking about administrative paperwork here, and it is good to remove that to make the process easier.

Likewise there are some changes to the settlement of businesses with respect to the transfer of licences. There is also removal of the duplication of some of the work that currently exists between the Victorian Commission for Gaming and Liquor Regulation and councils. With respect to applications for liquor licences and transfers currently, both the commission and councils will look at matters of parking, traffic management and noise, which is superfluous; we do not need both of them doing that. Councils will do that in their permit processes. I know in my own electorate the activities of councils, particularly with respect to parking, can be a great frustration to businesses trying to set up. There is a view that some of our councils are over the top. Nonetheless we do not need the commission also doing that. This legislation removes the requirement for the commission to consider those matters, particularly with respect to parking, traffic management and noise. It leaves those matters to councils, which is a good thing.

With respect to licences being transferred, we currently have a situation where demerit points are accrued by a licensee or by a licensed premises for breaches of the act, whether that is in the service of alcohol or otherwise. The bill ensures that if a business is transferred, those demerit points are not transferred to a new owner, provided they are not related — that is, that they are not a business partner, associate or relative of the licensee who accrued the demerit points. If it is a totally new owner, those demerit points will not transfer.

I did ask, and I think this is something the government should perhaps look at, what happens to a licensee who might sell their business that has accrued some demerit points and who might buy or establish a new business and obtain a new liquor licence. I appreciate that that would be, I assume, considered by the commission in the granting of any additional licence, but we should perhaps look at whether it is necessary for those demerit points to be attached to a licensee to avoid the prospect of them literally shutting down or selling one

business and starting up again next door if they have got significant demerit points and have not done the right thing.

I know these matters are a concern within the industry as well. Recently I was speaking to the owners of a pub in country Victoria who were frustrated that they do the right thing in their town and make sure that they kick out troubled people. They have a list of banned people who drink to excess and cause problems. They make sure that they practice the responsible service of alcohol, but they are very frustrated that in this particular case the other pub in the town is not doing that. So that anyone they kick out, ban or otherwise try to manage will simply go to the other pub in town. It is important that all licensees do the right thing for the betterment of the community.

I will move now to the gambling aspects of the legislation. The legislation makes some further amendments to the Gambling Regulation Act 2003, mostly with respect to Keno. There are some amendments to the way the Keno licence is granted. There is an opportunity introduced in the bill for the minister to grant a two-year extension to the Keno licensee, which is currently Tabcorp, for a fee. The bill includes a premium that would be payable by the Keno licensee if that two-year extension was granted. I guess that extension gives some flexibility.

There are also changes in the way that the Keno licence will be issued in future. Basically, instead of an open tender process, as I understand it, the minister will be inviting certain applicants to put their hands up for the Keno licence. I think in this space that is appropriate. The bill also gives some powers to the secretary to seek information from potential applicants about their background. That is fair. Competition for the Keno licence is probably not particularly deep, so we are making some changes to ensure that the community is protected, that a responsible business is selected as the licensee and that the taxpayer of course gets best value for money for the sale of the licence. I would hope that the changes that are being made will in fact do that.

There are also some amendments to the way the Keno prize pool is managed. The rules with respect to Keno ensure that 75 per cent of the pool that is created by people having a punt on Keno is returned to those players. From time to time the pool will fluctuate of course, and the licensee, in this case Tabcorp, needs to top it up out of its own funds to ensure that that 75 per cent is continually met. This bill ensures that when the pool is in surplus — where it is above 75 per cent — that money can be recovered. That is a sensible amendment that Tabcorp supports, and I do not see any

particular issues with that. It will ensure that players continue to get the 75 per cent but that the licensee is not unduly affected in a cash flow sense.

The bill introduces some other changes with respect to wagering. Very briefly, there are some minor changes to the way wagering and loyalty schemes are provided for. Currently under the legislation wagering providers are obligated to provide an annual player activity statement to members of their loyalty schemes. This simply changes that, but if that player has had no activity in the year in question, an annual statement is not required. Of course, a player can still seek one, but if he or she has not been playing, then there is probably not much point in providing a statement, so I would say that is a minor change.

There are other provisions, though, that are prospective, and these are the powers provided under this bill to the minister to direct wagering service providers, including online wagering providers, to comply with harm minimisation and consumer protection measures. I understand that this is in anticipation of a national consumer protection framework that is currently under development between the states and territories and the commonwealth, which is expected to be finalised in the near future. In anticipation of that consumer protection framework, the government is ensuring that the minister has powers to direct wagering service providers to comply with those protections.

As I said, it includes online wagering, and I think that is important. We have seen exponential growth in the number and activity of online wagering providers. I am sure many in the house will have had complaints from constituents about the level of advertising that is received and seen, particularly on television and particularly during sporting events. We need to ensure that we do have appropriate consumer protection plans in place, including for harm minimisation.

I must say, I am not a wower in any sense; I love a drink and I will have a bet, though very rarely. I certainly have no issue with people who do like to have a bet, but having said that I am concerned at the proliferation of online wagering and betting apps. Some of the TV ads that I see now are probably counterproductive to the businesses, if I might say so, in terms of the way they portray betting. There is the one with the guy standing in line at the supermarket who happily lets the little old lady go in front of him so he can continue betting on his app. I will not dismiss that particular person in the ad, but really, is that what your life is about, that you are going to sit there on an app and watch that? I think those ads are probably counterproductive but equally, I think we do need to

respond to the level of community concern about betting advertising.

As I said, I am not against anyone having a punt. Many people do it responsibly and really enjoy it, some make a living out of it, but I am concerned about the proliferation, particularly of the advertising. The fact that my young nieces and nephews can tell me the odds on a footy game as it starts is a concern. That is something that I do not think is adding any particular value to our society. As in everything, regulation of such things should be done in moderation. It is about getting the balance right, and I think this legislation does largely get that balance right.

The opposition has contacted all the major stakeholders in the industry sectors and also in the gambling and liquor control areas and harm minimisation areas. While some of the liquor control groups had further suggestions as to where the bill could be strengthened, I do not think they are necessarily needed. I think that in general this legislation gets that balance right, so as I said the opposition is not opposing the bill. We look forward to seeing the next iteration — I understand that there will be further legislation covering some of the more difficult and perhaps controversial topics with respect to liquor, and we look forward to seeing that. I suspect that will not be this year but at some stage in the future. We look forward to these measures being enacted. The opposition does not oppose this legislation.

Mr LIM (Clarinda) (10:41) — I rise today to speak on the Liquor and Gambling Legislation Amendment Bill 2018. It is indeed pleasing to hear that the opposition is not opposing this bill, and in fact they even mentioned that this is the right balance. I would like to commend the minister for yet another bill that strengthens harm minimisation measures and improves the regulatory framework for gambling and liquor control in our state.

This issue is very relevant to many of my constituents. This year I have spoken on several bills moving to limit gambling-related harm. I am also aware of several community initiatives taking place in my electorate which are being developed with the support of the Andrews government and the Victorian Responsible Gambling Foundation, so I am very pleased to see this bill here today. I am also glad to see that this bill will make several amendments to the Liquor Control Reform Act 1998 to enhance the protection of minors from alcohol-related harm.

Some of the young people from culturally and linguistically diverse (CALD) communities in my

electorate are at increased risk of experiencing alcohol-related harm, as they are subject to multiple risk factors, including, but not limited to, low levels of health and literacy and pre and post-migration stressors, making it harder to adjust to a new cultural environment. Despite this situation CALD communities are significantly under-represented in the alcohol treatment system, which is very concerning.

This bill will implement bans on alcohol advertising within 150 metres of all Victorian schools. This measure is consistent with the ban on static betting advertising within 150 metres of a school, introduced recently by the Gambling Legislation Amendment Bill 2017. This measure was recommended to the government by the Liquor Control Advisory Council as part of its detailed review of alcohol advertising. The community also expressed significant support for this restriction during the public consultation phase of the Liquor Control Reform Act 1998 review in late 2016 and early 2017. This is an important measure that will limit exposure of minors to potentially harmful messages about alcohol.

The bill contains a transitional provision for existing advertising contracts, but this provision does not apply to advertising displays that are not under a contract. In these cases the prohibition commences immediately. Where a breach of the advertising prohibition occurs, the party would be penalised depending on the nature of the breach. For example, where alcohol advertising was displayed on a billboard within 150 metres of a school, the advertising company would be the party committing the breach, not the liquor industry partner. However, if a licensee displayed liquor advertising within 150 metres of a school in a manner that was not covered by an exemption, the licensee would then be the party committing the breach. This is an important reform. It is a reform which brings alcohol advertising in line with the restrictions this government has implemented in relation to betting advertising, so there will be no alcohol and no betting advertising within 150 metres of schools.

The bill will also remove an outdated loophole that allows minors accompanied by a parent or guardian to be served alcohol with a meal on licensed premises. The proposed amendments will remove previous exemptions in line with the National Health and Medical Research Council's recommendation that not consuming alcohol is the safest option for persons under the age of 18. This will also reduce confusion for staff at licensed venues, who will no longer have to determine whether any of the exemptions apply. As I mentioned, these changes and amendments are the result of an extensive consultation relating to the review

of the Liquor Control Reform Act, which was conducted between November 2016 and March 2017. It is important to note, though, that the delivery of alcohol to a minor is not currently an offence under the Liquor Control Reform Act. This is problematic, particularly considering the growing prevalence of meal and alcohol delivery services in Victoria. This bill will require delivery drivers to check identification before leaving alcohol with a person who appears underage. The bill will also introduce fines of more than \$19 000 for the delivery of alcohol to a minor. These are all positive changes that will help to protect minors from alcohol-related harm.

Regarding the Gambling Regulation Act 2003, this bill importantly amends the act to give the minister a direction-making power to require wagering service providers to comply with harm minimisation and consumer protection requirements. The Labor government has already taken several strong measures to reduce gambling harm, including capping pokies numbers across the state, limiting daily cash withdrawals in venues and restricting betting advertising in public spaces. It is important that strong and consistent consumer and harm minimisation protections also apply to online wagering.

The Victorian government has welcomed the opportunity to work with the Australian and state and territory governments to develop a national consumer protection framework for online wagering. The purpose of this framework is to ensure greater national consistency and stronger consumer protection for people using legal online wagering services in Australia. This power will apply to all wagering service providers no matter where they are licensed or registered in Australia so long as they are providing services to Victorian residents. A breach of a direction made under this power will carry a maximum penalty of 60 penalty units, which can be upwards of \$9000. The bill also makes amendments to clarify the operation of legislative provisions in the Gambling Regulation Act 2003. I commend the bill to the house.

Mr SOUTHWICK (Caulfield) (10:50) — I rise to make some comments on the Liquor and Gambling Legislation Amendment Bill 2018. As our lead speaker, the shadow minister for gaming and liquor regulation, the member for Gippsland South, has already stated, we will not be opposing this bill. The great contribution from the member for Gippsland South has articulated very well the importance of ensuring that we have proper laws in place to protect our kids and protect our young people, and there are a number of issues that are contained in this bill that address those very points. In fact in my first term of government I had the opportunity

of serving on the Victorian Responsible Gambling Foundation, which I will also make some comments about shortly as part of this contribution.

I think when it comes to the responsible service of liquor and certainly when it comes to our gambling laws — we need to do whatever we can to stop problem gambling in this state — we need to address both issues. They are very important issues, and we see some of the flow-on effects in terms of health issues that then flow on from when people have a drinking or gambling problem.

Some parts of this legislation look at a number of amendments to the Liquor Control Reform Act 1998 and certainly review a number of very complex but important issues. The banning of advertising of alcohol within 150 metres of schools is again very important because we want to make sure that our kids do not have to be exposed to and marketed to in such a way. As the member for Gippsland South has rightly mentioned, it is ironic though that we are doing whatever we can so that kids do not receive that kind of messaging outside schools, but this government is allowing a drug injecting room within 100 metres of a school in Richmond. The concerns that we have already expressed on this side of the house are what the flow-on effects might be to other schools and other electorates.

We know that drug use is an important issue, and we need to ensure we have the proper treatment and programs available and also the proper laws in place. But we have very clearly an illegal substance, whether it be ice or all the other drugs that have been made illegal in this state, and at the same time we allow these injecting rooms right next to our kids when we should be doing everything possible to keep them safe and not exposed to this issue.

Ms Thomson interjected.

Mr SOUTHWICK — The member for Footscray can interject about this particular point, but it is very, very clear that we have got to clear away this problem; we certainly cannot have kids having these drug injecting rooms right across the road from their schools. As the Premier was asked yesterday, when some of these people that are injecting right across the road from the school what happens in terms of security issues flowing on from that? What happens when they get in the car and drive away? What are the safety issues? We have spoken a lot about this in Parliament on our side of the house. Safety is absolutely paramount, and that is what we will be focusing on.

Mr J. Bull — On a point of order, Acting Speaker, I am just listening to the member's contribution and

wondering when he is going to get to the contents of the bill.

The ACTING SPEAKER (Mr Carbines) — Yes, I do think it is reasonable for the member to come back to the bill at hand — the Liquor and Gambling Legislation Amendment Bill 2018 — and I uphold the point of order.

Mr SOUTHWICK — As I was saying, though, advertising outside schools is a very important issue, and that is why this is relevant, because we are talking about alcohol promotions outside schools and giving messages to schools that we on our side of the house do not think our children should be exposed to. That includes having drug injecting rooms within 100 metres of a school; we think that is poor form and certainly —

Ms Green — On a point of order, Acting Speaker, the member for Caulfield has just defied your recent ruling and is talking about something that is completely and utterly irrelevant to the content of the bill before the house. I ask you to bring him back to your earlier ruling.

Mr SOUTHWICK — On the point of order, Acting Speaker, I was merely drawing a comparison. We have the first point of this bill, which deals with promotion of alcohol to a minor within 150 metres of a school. In fact it actually says that we will be banning promotion of alcohol within 150 metres of a school. There is a correlation between banning what is a legal substance, and the promotion of that, and having an illegal substance — be it drugs — within 100 metres of a school. The fact is that this is very inconsistent from this government. Having one thing being banned and yet allowing another thing not to be banned is something that is absolutely relevant to this bill.

The ACTING SPEAKER (Mr Carbines) — I thank the member for Caulfield for his contribution on the point of order. The lead speaker for the opposition — the member for Gippsland South — has had quite extensive leeway, as is the case for lead speakers on bills in relation to the matters at hand. I understand the point that the member for Caulfield is seeking to raise, but given the broad context in which he can make a contribution on the bill I do think it is reasonable to come back to the detail of the bill at hand. I do not uphold the point of order in this instance. I was in conversation with the Clerk, so I did not hear all the detail of the contribution the member was making, but I refer back to the earlier ruling. While the member is free to draw those references and the lead speaker of the opposition has had the opportunity to continue these matters in a broad fashion, I would ask the member for

Caulfield to continue but to confine his comments to the bill in the interests of the smooth running of debate.

Mr SOUTHWICK — Thank you, Acting Speaker, for that extensive report as to why I am now able to talk about drug injecting rooms and the fact that we have a government that is certainly very happy to have a drug injecting room within 100 metres of a school, however will not allow promotion of a legal substance within 150 metres of a school. This is an absolute inconsistency from this government, which is completely inconsistent —

The ACTING SPEAKER (Mr Carbines) — Order! The member will resume his seat. A point of order from the member for Thomastown.

Ms Halfpenny — On a point of order, Acting Speaker, I think the member for Caulfield is defying your ruling on the point of order and is still continuing not to speak on the bill.

The ACTING SPEAKER (Mr Carbines) — Order! The point of order raised by the member for Sunbury earlier was directly relevant, and I upheld it because the member for Caulfield was not in any way relating his comments back to the bill. Since that time there have been two points of order, one of which I have not upheld, as I was in discussions with the Clerk on another matter. I encouraged the member for Caulfield, given there has been a lead speaker on the bill to cover these matters in a broad context, to make sure he is relating his comments to the bill. I believe he is doing so, and I ask him to continue with the remainder of his contribution.

Mr SOUTHWICK — Thank you, Acting Speaker. As I pointed out, and I will do so again, in banning alcohol within 150 metres of a school what this government is trying to do is to ensure that kids do not get the wrong message when it comes to alcohol. But what this government is also doing is ensuring that they are getting a message that drugs are okay by having a drug injecting room within 100 metres of a school. This is a huge contradiction from this government and is absolutely typical of —

The ACTING SPEAKER (Mr Carbines) — Order! The member for Caulfield will resume his seat. The member for Eltham on a point of order.

Ms Ward — On a point of order, Acting Speaker, I would say that your rulings on this repeated issue have been very comprehensive and clear. I find it quite astonishing that the member for Caulfield has not understood your ruling and has not understood or obeyed your request that he actually stick to the bill at

hand and stop making up his Trump lies that do not actually help anyone and certainly do not enhance his ability to not oppose this bill.

The ACTING SPEAKER (Mr Carbines) — Order! I ask the member for Eltham to resume her seat. In relation to the point of order, I do not uphold the point of order at this time. I ask the member for Caulfield to continue. It is a matter for him as to whether his contribution is going to draw continued points of order from members of the government.

Mr SOUTHWICK — Thank you very much, Acting Speaker. As I was saying, it is an absolute disgrace that the government will allow a drug injecting room within 100 metres of a school, yet wants to ensure the banning of alcohol within 150 metres of a school. What a contradiction from a government that has absolutely no care for our kids, and when it comes to law and order it has been proven inadequate yet again. They are completely inadequate in law and order, and in terms of keeping our kids safe they have not done that, and they continue to not do that in this particular instance by allowing a drug injecting room within 100 metres of a school — an absolute disgrace.

Business interrupted under sessional orders.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Bus contracts

Mr GUY (Leader of the Opposition) (11:01) — My question is to the Minister for Public Transport. Minister, you have consistently told this house that no bus operators will have their assets forcibly acquired by the government. Contrary to this, your department has distributed an end-transfer agreement to bus operators, detailing when their contracts end and what the transfer price of the compulsory acquisition of assets will be. The 53-page agreement also details how to calculate the transfer price of each bus, depot, non-managerial staff and associated assets. How can you stand by your comments to this house that the government never intended to acquire private assets and that the bus association has got it all wrong?

Honourable members interjecting.

The SPEAKER — Order! The member for Williamstown and the member for Bass!

Ms ALLAN (Minister for Public Transport) (11:02) — I thank the Leader of the Opposition for the opportunity to once again correct the lies and misinformation that he is peddling.

Honourable members interjecting.

The SPEAKER — Order! I ask members not to shout across the chamber. I also ask the Minister for Public Transport not to use terms that are unparliamentary.

Ms ALLAN — In answer to the Leader of the Opposition's question, I absolutely stand by the comments I have made in this house and in other places on this issue. There are three template contracts that have been put on the table for metropolitan bus operators.

Mr Andrews interjected.

Ms ALLAN — I know it is disorderly to take up interjections, but the Premier is absolutely right. They bear no resemblance to the disgraceful contract that was signed by those opposite in government where they cut funding and cut services.

Honourable members interjecting.

The SPEAKER — Order! I will not have members of this place shout the minister down.

Ms ALLAN — As I said, there were three contract options that were put forward to metropolitan bus operators. What we saw from the outset was that a number of operators took the opportunity to sign the 10-year contract offering. There are other offerings that are on the table that do not require the acquisition in the terms that the Leader of the Opposition has characterised.

But further to this matter, I think it was Tuesday in this place that I made the offer to the Leader of the Opposition and the Deputy Leader of the Opposition to come and be briefed on this matter. I made that offer. Not only have they not taken up that offer, but this was not the first opportunity that they have had to be briefed on this matter. Indeed a meeting had been arranged on 22 February —

Honourable members interjecting.

The SPEAKER — Order! The Minister for Police is warned.

Mr Guy — On a point of order, Speaker, straightforward on relevance, the question to the minister was about how she can stand by her comments, given that her comments to this house are completely in contradiction to her own government's documentation that she is distributing to bus operators.

The SPEAKER — Order! The minister is complying with the standing orders.

Ms ALLAN — As I was saying, I am happy to once again repeat the offer of a briefing to the Leader of the Opposition and the Deputy Leader of the Opposition, and indeed it was an offer that was made and taken up in February by the Deputy Leader of the Opposition, who failed to show up for the briefing that was arranged by my office and my department. I have the email exchange between the Deputy Leader of the Opposition and my office where we were trying to reorganise the meeting that he failed to turn up for. I put it to you, Speaker —

Honourable members interjecting.

The SPEAKER — Order! The member for Kew is warned and the member for Essendon is warned. It is very early in question time, but members will be removed from the chamber if they continue to shout across the chamber.

Ms ALLAN — I simply repeat that offer once again if the Leader of the Opposition would like to ascertain the facts of this matter so he can stop his campaign of misinformation and lies. Just as he did to the taxi industry, he is doing it to the bus industry.

Mr Clark — On a point of order, Speaker, on the question of relevance, this was a question about the veracity of statements that the minister has made to this house and her credibility as a minister. She is not addressing that question. I ask you to bring her back to answering it.

The SPEAKER — Order! The minister has concluded her answer.

Supplementary question

Mr GUY (Leader of the Opposition) (11:06) — Dom Sita of Kastoria buses, along with many other bus operators, has built a family business over decades with a lifetime of experience and knowledge when it comes to serving local communities. Minister, how can you be so callous as to insult bus operators like Dom Sita and their families and loyal staff who have put their heart and soul into building these businesses by, as your agreement states on page 36, valuing a lifetime of work at just \$1?

Honourable members interjecting.

The SPEAKER (11:06) — Order! The member for Essendon and the member for South Barwon will leave the chamber for the period of 1 hour.

Honourable members for Essendon and South Barwon withdrew from chamber.

Ms ALLAN (Minister for Public Transport) (11:07) — It is a shame there is only a minute to answer this supplementary question because there is so much that is wrong, and it demonstrates once again why you cannot believe a word this bloke says. You cannot believe a word this bloke says, can you? You just cannot.

The Leader of the Opposition referred to Dom Sita and in his earlier question referred to Bus Association Victoria. Both Mr Sita and Bus Association Victoria know well that there are three — indeed, there are four — contract offerings that are on —

Honourable members interjecting.

The SPEAKER — Order! I ask the Premier and the member for Bass to assist in the smooth running of the house.

Mr Guy — On a point of order, Speaker, on relevance — I appreciate that the minister is two-thirds of the way through the supplementary answer period — the question was around the value on page 36 of just \$1. It does state that bus operation intellectual property will be deemed to have a value of \$1 for the purpose of a transfer under this agreement. They are the minister's words. That was the question. I ask you to bring her back to explaining her contract.

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

Ms ALLAN — I was talking about Dom Sita and contracts, which were mentioned in the supplementary question. Both the Bus Association and Dom Sita know that there are four contract offerings on the table — and the Bus Association know this because for nine months last year they were involved in developing the template contracts.

Honourable members interjecting.

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

Ministers statements: school funding

Mr MERLINO (Minister for Education) (11:08) — I rise to inform the house of the Andrews Labor government's unprecedented school building program. To put this in some perspective, the \$1.25 billion in this year's budget is the same amount as in the former Liberal government's four budgets combined.

I will give some examples from this budget: \$4 million to upgrade Stawell Secondary College in Ripon; \$1.7 million for new buildings at Foster Primary School in Gippsland South; \$2.8 million for new facilities at Norwood Secondary College in Ringwood; \$1.09 million for a new building at Regency Park Primary School in Ferntree Gully; \$1.3 million for Berwick Secondary College, thanks to the member for Narre Warren South and not to the misinformation of the lying member for Gembrook; \$800 000 to upgrade Cardross Primary School in Mildura; \$950 000 to upgrade Euroa Secondary —

Honourable members interjecting.

The SPEAKER (11:10) — Order! The member for Bass and the member for Geelong will leave the chamber for the period of 1 hour.

Honourable members for Bass and Geelong withdrew from chamber.

Mr Clark — On a point of order, Speaker, the minister is using unparliamentary language in relation to another member of this house. I thought you were about to caution him. I do ask you to caution him not to use such language.

The SPEAKER — I apologise. Over the shouting I did not hear a member use unparliamentary language, but I ask the Deputy Premier if he did so not to do so.

Mr MERLINO — There is \$1.6 million for Highton Primary School in South Barwon.

Speaker, do you want to know how much capital funding those schools received under the former Liberal government? Zero — absolutely nothing. They were a B-grade government and now they are a B-grade opposition — and that is the verdict of the Deputy President of the Parliamentary Liberal Party.

Mr Burgess — On a point of order, Speaker, I have been listening to the minister really carefully, and I have not heard him yet mention the 700 small cleaning businesses he is going to dispose of as of 1 July. You're a complete disgrace!

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

Mr MERLINO — Our investment in regional and rural schools is now over \$800 million, more than double that of the previous government. Unlike some, we do not regard school building as a distraction. I note the latest policy suggestion from one bright spark is for schools to build more walls to separate kids. That is the

B-grade Trump, the member for Kew: build a wall to separate kids. Only Labor invests in schools.

Honourable members interjecting.

The SPEAKER (11:12) — Order! Before calling the Deputy Leader of the Opposition, I would like to acknowledge in this place a former member of the Council, Mr Ron Best.

Bus contracts

Mr HODGETT (Croydon) (11:12) — My question is to the Minister for Public Transport. Minister, you have spent two weeks denying that any of your options for bus contracts involve asset confiscation, forced access or pressured acquisition at the end of contractual terms for bus operators, yet your government's end-transfer agreement for bus operators states under section 4, page 14, headed 'Sale and purchase of transferring assets', that the vendors must sell the transferring assets and the purchaser must buy the transferring assets subject to the terms of this agreement. Minister, why are you continuing to mislead this Parliament? Why are you continuing to lie to all Victorians?

The SPEAKER — Order! I have already warned one member of this place about the use of that word, which is unparliamentary. I caution members on both sides of the house that the next member to use that word will be removed from the chamber.

Ms ALLAN (Minister for Public Transport) (11:13) — In answer to the deputy leader's question, I am not, and I repeat the offer I have made — and indeed he took up but then did not turn up — for a briefing on this matter.

Honourable members interjecting.

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

Supplementary question

Mr HODGETT (Croydon) (11:13) — Minister, if as you say, the Bus Association has it all wrong and there is no government plan to seize any assets of bus owners or operators, will you agree to sign a heads of agreement with the industry representative to commit in writing that there will be no compulsory acquisition, no forced access and no pressured acquisition of buses, depots or non-managerial staff under your plans for new bus contracts?

Ms ALLAN (Minister for Public Transport) (11:14) — As I indicated earlier to the Deputy Leader of the Opposition, if he had taken up the opportunity for a briefing, he would know that the five-year offering that is on the table, that was developed in consultation with Bus Association Victoria for nine months last year, largely mirrors current contractual arrangements. There is another option on the table, of the current arrangements to be rolled over for two years. Also, we have written, as the Leader of the Opposition pointed out in the Parliament on Tuesday —

Mr Hodgett — On a point of order, Speaker, the minister was asked whether she had agreed to sign a heads of agreement. She has been going 30 seconds in her supplementary answer, and I would ask you to bring her back to actually answering the question that was asked.

The SPEAKER — The minister is answering the question.

Ms ALLAN — I was about to say that we have written to the regional bus operators, as the Leader of the Opposition told the house on Tuesday. We have actually written to the regional operators in those —

Honourable members interjecting.

The SPEAKER — Order!

Ms ALLAN — Oh, my goodness! We have written to the regional operators, indicating to them that we will not be seeking access to assets such as buses and depots. In answer to the question —

Mr R. Smith — On a point of order, Speaker, the minister may well be about to answer the question, but with 4 seconds to go, a very clear question was asked, ‘Will you sign a heads of agreement?’, and the house at the moment is none the wiser.

The SPEAKER — On the point of order, there is no point of order. The minister to continue answering the question.

Ms ALLAN — We have options on the table, and we will continue to negotiate with metropolitan buses.

Ministers statements: infrastructure projects

Mr CARROLL (Minister for Industry and Employment) (11:16) — I rise to update the house on the construction blitz that is happening right now out at the Skye-Overton Road level crossing. We are removing this Frankston line level crossing to build jobs and to create better commutes for the local

workers. Last Sunday all roads led to Frankston. I had the great pleasure of joining that A-grade MP up there, the member for Frankston, to thank the workers working around the clock, to meet the locals and to make sure everyone is feeling the pride, the decency and the level of delivery that is happening in Frankston under this government.

If you go back to 1959 and the film *On the Beach* — even Marcus Bastiaan would agree with this — Gregory Peck, Ava Gardner and Fred Astaire are all A-grade actors, unlike the B-grade actors we have over on that side of the house. Like that film, the Andrews government is putting Frankston back on the map for all the right reasons. Remember that horror film, the Baillieu-Napthine-Shaw government? Well, they want to come back. Marcus Bastiaan learned his lesson, but those on the other side have not learned their lesson. Motorists, job creation and industry were stuck at the boom gates —

Honourable members interjecting.

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

Mr Clark — On a point of order, Speaker, as much as we are enjoying the minister’s history lesson, he is departing from making a ministers statement. I ask you to bring him back to compliance.

The SPEAKER — The minister did depart, but he was just coming back. I ask the minister to continue making a ministers statement.

Mr CARROLL — I thank the member for Box Hill for his interjections. Under this government we have already removed 19 level crossings and opened 50 new stations. On the Frankston line alone, we are investing \$2 billion to remove 10 level crossings and rebuild 16 stations.

There is an old cliché in politics: ‘If you can’t govern yourself, how can you govern your state?’. The Leader of the Opposition has had more positions on the north-east link than he has had pizzas with Marcus Bastiaan. He does not know what he is doing. He came in to hear the shadow Treasurer —

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

Mr Clark — On the point of order, Speaker, the minister is defying your ruling and proceeding to debate matters. I ask you to direct him to comply with sessional orders.

The SPEAKER — In the time the minister has left, I ask him to come back to making a ministers statement.

Mr CARROLL — There was the margherita pizza with Marcus Bastiaan, with the Prime Minister delivering one with the lot this week!

Echuca Specialist School

Mr WALSH (Murray Plains) (11:19) — My question is to the Minister for Education. Echuca Specialist School has nearly 120 students with special needs. The school is a collection of old portable classrooms in what was a car park. It has poor drainage, and when it rains, raw sewage overflows into the school grounds. Despite promises from your government to relocate this school, nothing has happened. Yesterday the Treasurer told the house, ‘In Victoria it’s the best of times’. Minister, with raw sewage on the grounds of this specialist school, can you explain to these children and their families how for them it is the ‘best of times’?

Mr MERLINO (Minister for Education) (11:20) — I thank the Leader of The Nationals for his question. I refer him to my previous ministers statement: firstly, in terms of the broad investment in education in school building right across the state — \$1.25 billion. I will talk to the Echuca community, absolutely, but in terms of our broad investment in school building and upgrading existing schools, there are 70 new schools, 1300 upgrades and \$1.25 billion in this year’s budget —

Mr R. Smith interjected.

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

Mr MERLINO — which is the equivalent of the previous government’s four budgets combined. In terms of rural and regional Victoria, there is over \$800 million from the Andrews Labor government, which is more than double the investment from the Liberal-National parties when they were in office. What matters in government is not what you say in opposition, not what you promise at an election but actually what you deliver, and when you —

Mr Clark — On a point of order, Speaker, the minister has now had ample time to set a context to his answer. This is a very specific question about a school that is having to cope with raw sewage in its grounds due to lack of funding. I ask you to bring him back to answering that question.

The SPEAKER — The minister to come back to answering the question.

Mr MERLINO — Absolutely, Speaker. I did indicate to the Leader of The Nationals that —

Ms Ryall interjected.

Mr MERLINO — Investment in school buildings is not spin, as you suggest, member for Ringwood, and it is not a distraction, as the member for Kew suggests. Investment in our school buildings and upgrading schools is vitally important.

Mr R. Smith — On a point of order, Speaker, you directed him to come back to answering the question and immediately he defied your ruling and went off on another tangent. I ask you to again bring him back to answering the question and not have contempt for the Chair.

The SPEAKER — I thank the member for Warrandyte for his point of order. I ask the minister not to respond to interjections.

Mr MERLINO — Thank you, Speaker. In terms of special schools and Echuca Specialist School, this government has invested in special schools like no other — like no other! Over 40 projects, whether it is Echuca Specialist School, whether it is Yarra Ranges Special Developmental School in Mount Evelyn, I understand that there is more work to be done. But to the Echuca community —

Mr Walsh — On a point of order, Speaker, this was a very specific question about the Echuca Specialist School and how those students and their families consider whether it is the best of times in Victoria when there was no funding for a school in such a deplorable situation as Echuca Specialist School. I ask you to bring him back to answering that question, specifically about that school, not about the general context. He has had 3 minutes now to do that. In the 1 minute remaining a specific answer to that community and their needs would be appreciated.

The SPEAKER — Order! I think the minister was mentioning Echuca Specialist School when the point of order was taken.

Mr MERLINO — The Echuca special school is part of the Echuca regeneration project. We invested \$11 million for the first stage of that Echuca regeneration. The previous government invested zero. So my message to the —

Honourable members interjecting.

Mr Walsh — On a point of order, Speaker, on the issue of actual truth, the previous government actually purchased the land for that school. The minister is deliberately misleading the house on that particular answer.

The SPEAKER — Order! The Leader of The Nationals knows that is not an allegation that can be made in ways other than a substantive motion. There is no point of order.

Mr MERLINO — So in terms of stage 1 funding, \$11 million has been delivered by the Andrews government. My message to the Echuca community and the specialist school is: we will finish what we started, and if there is a party or a government that can be trusted to build and upgrade schools, it is the Andrews Labor government, because our record is there for all to see. In the meantime I can assure the Leader of The Nationals that the Victorian School Building Authority will work with the school to address any immediate issues in regards to sewerage, but we have funded stage 1 of the Echuca regeneration, and we will finish what we started.

Honourable members interjecting.

The SPEAKER (11:24) — Order! The member for Warrandyte and the member for Williamstown will leave the chamber for the period of 1 hour. The Leader of The Nationals is raising an important matter, he is entitled to do so without interjections.

Honourable members for Warrandyte and Williamstown withdrew from chamber.

Supplementary question

Mr WALSH (Murray Plains) (11:25) — A supplementary question to the Minister for Education. With raw sewage in the grounds at the Echuca Specialist School, the school council president said to the local paper:

I'm astounded by the inequity and can't believe the government has turned its back on these deserving students.

Minister, you have led this school community on to believe that they would get funding and yet you have given these children nothing. How is that fair?

Mr MERLINO (Minister for Education) (11:25) — The Leader of The Nationals is not correct at all. I will give you another figure: in terms of the Campaspe shire, \$18 million invested in schools across that municipality compared to \$600 000 under the Liberal and Nationals parties when they were government. We have already funded —

Mr Walsh — On a point of order, Speaker, on the issue of relevance, the question was very specific about Echuca Specialist School and what this minister is doing in this budget when there had been commitments around the relocation of the specialist school with the other two schools that have not been honoured. Can you please bring him back to answering the question? Is it fair for the families and the students of Echuca Specialist School to miss out again on their desperate needs?

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

Mr MERLINO — The absolute hypocrisy of the National Party. When they are in opposition, that is when they have their voice. Where is their voice when they are in government?

Honourable members interjecting.

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

Mr Clark — On a point of order, Speaker, you directed the minister to come back to answering the question and he immediately proceeded to debate and defy your ruling. I again ask you to instruct him to come back to answering the question asked by the Leader of The Nationals.

The SPEAKER — I ask the minister to come back to the question.

Mr MERLINO — As I have indicated, the Victorian School Building Authority will work with the principal and the Echuca Specialist School community in terms of any immediate needs. We have funded stage 1. We will finish what we started. Unlike those opposite, when we are in government, we actually deliver for schools in regional Victoria.

Ministers statements: regional rail services

Ms ALLAN (Minister for Major Projects) (11:27) — I am very pleased to rise to update the house on yet another Andrews Labor budget that invests in regional rail, continuing the tradition of the last three budgets. Let us start with Shepparton and the \$313 million for the Shepparton line. It builds on the \$43 million that was in last year's budget for track works and for more services, and this package of works is working towards delivering nine daily return services to the Shepparton community. This far and away exceeds the B-grade offering that has been put to the Shepparton community of \$77 million to do the same amount of works — magic money. Actually this

offering is so lame we should really call it D-grade. It is not even worthy of B-grade status.

Further on our budget, there is \$50 million for planning money to unlock the west and deliver faster rail to Geelong. Seymour passengers get more services. There is \$130 million for track and signalling upgrades around Maryborough, Ararat and Ballarat, and new train stabling and maintenance facilities for the regional network. We can go on because we have been investing in every single budget in our regional rail network. We are doing this while those opposite show time and again they do not have a head for public transport and they certainly do not have a heart for regional rail.

Let us consider the issue of rolling stock. Those B-graders opposite forgot to order VLocity trains for two years —

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

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

Ms ALLAN — We have not wasted a moment across our first three budgets — \$850 million for new regional rolling stock, 87 new VLocity carriages and we are also planning for future rolling stock as well. Let us compare that to another B-grade proposal that is running around country Victoria at the moment for new trains. It attracts B-grade status because it forgets that new trains need new track work to be done to run on them. That is what those opposite are offering country Victoria — a major oversight by any measure.

The SPEAKER (11:29) — Before calling the member for Shepparton, I would like to welcome to the chamber the Honourable John Ajaka, President of the New South Wales Legislative Council.

Water policy

Ms SHEED (Shepparton) (11:30) — My question is to the Minister for Water. Minister, what will the Victorian government do to ensure that our irrigation communities in northern Victoria are not short-changed by the recent Murray-Darling Basin deal done by the federal Minister for Agriculture and Water Resources, David Littleproud, and the federal Labor opposition? I was pleased to see the Senate last night voted down the Greens' disallowance motion, which now allows 605 gigalitres of important environmental projects to go ahead, as was always intended. However, I remain extremely concerned for my community as a result of

the side deal which appears to tie the delivery of these projects with the immediate commencement of work to recover the additional 450 gigalitres of upwater. It was always understood that this additional water would only be considered once the 2750 gigalitres of the original plan was achieved and should only proceed if there were no further negative socio-economic impacts in our communities.

Ms NEVILLE (Minister for Water) (11:31) — I thank the member for Shepparton for her question and also just acknowledge her steadfast support for her communities in relation to this really critical issue. We have had a very consistent position throughout the term of our government. We are a signatory to the 2750 plan. That is what we are a signatory to: a triple bottom line plan that is to deliver for the environment, the community and the economy. We have already delivered high-reliability water, the most expensive but also reliable water — 800 gigalitres of the contribution we need to make. From the beginning of the plan, the fundamental component of that plan included the environmental offsets — the sustainable diversion limit (SDL) projects, the 605 gigalitres.

We were all on track with that plan until the Senate decided they might want to derail that. It does appear that sense has prevailed and the 605 projects are getting the support of the Senate — or they were yesterday. We have been very strong in lobbying for that. But as I have raised with Minister Littleproud directly in a phone conversation that we had yesterday and as I have said publicly, we remain concerned about a couple of areas that appear to be part of the agreement. I would caveat that by saying that we have a five-page document. That is all we have at the moment so I will look carefully at that. But that document — and I have asked for more information — does indicate a couple of areas of concern.

We have consistently said that the 450 gigalitres, the extra water, has to be delivered under a neutrality test. That is what the plan also says in our view — a neutrality test. This secret deal that is being done suggests that they will link the 450 and the 605 and the payment of the 605 to us delivering the 450. That remains unacceptable to us, member for Shepparton. It is unacceptable, and I will at the ministerial council, as I have to the federal minister, indicate that we will absolutely not change our position on this.

We have done the work and we have done the tests, and we know that this would have an incredible impact on those communities along the basin in Victoria. It would potentially wreck our food bowl, and we are not willing to do that. We have signed up. We are delivering

absolutely. We have done the heavy lifting. We are delivering the water we are supposed to — both the 800 gigalitres, which we have already done, and the remaining water under the SDL projects. We are absolutely committed to doing that. We are not, however, willing to risk the communities that are already doing it tough.

Unfortunately one of my other areas of concern in this document is about constraints. We have said all along that the Goulburn constraints project delivers very little water and potentially impacts 570 landowners. We are also not going to agree to that.

Supplementary question

Ms SHEED (Shepparton) (11:34) — Minister, to some extent you have answered my next question, but perhaps you can just clarify what position you will be taking to the ministerial council and how you see it playing out, given this agreement that is now in place.

Ms NEVILLE (Minister for Water) (11:34) — I did remind the federal minister the other day that this is an agreement with the states, not between different parties at a federal level. This is an agreement that requires our signature, as do any changes to that agreement. Again what I will not do, as I understand the federal minister and the shadow water minister have done, is have a conversation about what deal they would do on what the neutrality test is. In my view the neutrality test is a community-wide test — the impact across the community — it is not an on-farm and willingness of farmers to sell their water.

We need to make sure the test protects the whole community and understand the impact of any further water sales on the whole community. I am not doing secret deals at all. I will be up-front, sticking to the position we have always had, which is that it is a community-wide neutrality test, that we will not sell further water and that we will not support on-farm efficiencies — because we have already done a massive amount of that — that cause further harm in our communities. We will look at off-farm ones, and I will take that position to the ministerial council.

Ministers statements: bail law reform

Mr PAKULA (Attorney-General) (11:35) — I rise to remind the house that the first tranche of the Coghlan bail reform laws come into effect in just a week and a half, and those changes make it harder for people to get bail, particularly those who have committed offences while on bail. They put many more offences in the exceptional circumstances and reverse onus categories.

They come on the back of our changes to standard sentencing which came into effect in February, our community correction order (CCO) laws which ban CCOs for 20 offences, with seven more to come, our firearm prohibition orders and of course the Harper reforms in regard to extended supervision and detention for serious violent offenders, which were introduced this week. All of those reforms mean that we do not have to adopt the policy of the New South Wales Liberal Party for a return of public floggings. To provide some detail, public floggings are from 9.00 a.m. until 5.00 p.m., 10 per hour, with an hour off for lunch because it is, after all, still the Liberal Party.

I am gratified by the fact that the member for Hawthorn apparently on the doors this week said that the Victorian Liberal Party do not intend to adopt the public floggings policy, but I have to ask: how long will that last? Because the member for Hawthorn would be squarely in the sights of the Bastiaan faction. The member for Hawthorn is one of those endangered species —

Honourable members interjecting.

The SPEAKER — Order! The Attorney-General will resume his seat. There was a degree of order in the house, and then it went. I call the member for Box Hill on a point of order.

Mr Clark — On a point of order, Speaker, the Attorney-General has now strayed a long way from making a ministers statement. I ask you to bring him back to complying with sessional orders.

The SPEAKER — The Attorney-General did stray from making a minister's statement. I ask him to come back to making a ministers statement.

Mr PAKULA — We do have reason for concern. It is already the case that Mr Finn in the upper house has called for the return of capital punishment and floggings, so it is not that far from the truth, because the member for Hawthorn, like the member for Narracan, are part of that endangered species in the Liberal Party — the liberal. They are the endangered species in the Liberal Party who they are out to get.

Catholic and independent school funding

Mr T. SMITH (Kew) (11:38) — My question is to the Minister for Education. Last year the member for Mordialloc visited St Joseph's primary school in Chelsea and promised at a full school assembly that the government would invest \$3 million to replace the school hall. However, the Catholic Education Office has now been told by the minister's office there is no new capital investment for Victorian Catholic schools

in the 2018–19 budget. Minister, where in the budget is the \$3 million for St Joseph’s in Chelsea, or was the promise of \$3 million for a new school hall just another Labor lie?

The SPEAKER — Order! I have warned members about the use of that particular word used in the member’s question. This is the last warning.

Mr MERLINO (Minister for Education) (11:39) — I thank the member for Kew for his question. There are choices you make in terms of commitments you make at election times and what you deliver in government, and I can inform the house that it was the Andrews Labor government that committed to a funding program — a school building program — of \$120 million for Catholic and independent schools. I would remind the member for Kew and those B-grade shadow ministers opposite that when they had the opportunity, when they were sitting on the government benches, do you know what capital program they had for non-government schools — the Catholic and independent schools? Zero.

Honourable members interjecting.

The SPEAKER (11:40) — Order! The member for Bentleigh will leave the chamber for the period of 1 hour.

Honourable member for Bentleigh withdrew from chamber.

Mr T. Smith — On a point of order, Speaker, on relevance, it was a very simple question. Is the Andrews Labor government funding St Joseph’s in Chelsea to \$3 million, yes or no?

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

Mr MERLINO — In terms of St Joseph’s, the commitment that I am making to all Catholic schools and independent schools — to the St Joseph’s community in Chelsea and right across metropolitan Melbourne and regional Victoria — is that it is the Andrews Labor government that will be investing in and supporting their schools, not those opposite, because it is what you do in government that matters.

Mr T. Smith — On a point of order, Speaker, the member for Mordialloc made a commitment to St Joseph’s in Chelsea. Are you going to fund St Joseph’s in Chelsea to the tune of \$3 million, yes or no?

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

Mr MERLINO — The member for Kew can yell and grandstand all he likes, but when anyone from that side gets up and asks a question we have to check their facts, because nothing they say can be trusted. What we do know is that only Labor governments invest in Catholic and independent schools. Under the previous government you delivered zero.

Honourable members interjecting.

The SPEAKER — It is the last supplementary question of the day. There is too much shouting in the chamber. I ask the member for Mordialloc to come to order.

Supplementary question

Mr T. SMITH (Kew) (11:42) — Minister, despite assurances to the Catholic Education Office and the Catholic archdiocese, why have you committed not a cent of new capital investment in your budget for the almost 40 per cent of Victorian students who are educated in non-government schools such as St Joseph’s in Chelsea? How is that fair?

Mr MERLINO (Minister for Education) (11:42) — This is an extraordinary question from the member for Kew. We made an election commitment to deliver to Catholic and independent schools \$120 million. We have had three rounds —

Honourable members interjecting.

Mr MERLINO — Have a look at the budget papers over the last four years. We have delivered \$120 million — three rounds of support to Catholic and independent schools. There was nothing under the previous government — \$120 million on this side and nothing on that side. They are a B-grade rabble, and they have had a horrible week.

Ministers statements: north-east link

Mr DONNELLAN (Minister for Roads and Road Safety) (11:43) — I rise to update the house on the federal government’s \$1.75 billion commitment to help build the north-east link. It is great to see that the Prime Minister has acknowledged the importance of this project. They are very much on the right side of the argument and backing the right horse. Of course it might be noted that it is going to take four years to get \$200 million out of this, but let us be very clear: we are grateful that they have found Victoria on the map. At least they understand the benefit of this to the

community — the 30-minute travel time savings between the north and the south, and if you are in Frankston and you want to get to the airport, you will get there 30 minutes more quickly.

But let us also be very clear: those people in the north-east — those people using Rosanna Road, Greensborough Road, Fitzsimmons Lane and Bulleen Road — know that they need those trucks off those streets. Those 15 000 trucks need to get off the streets. All those B-doubles — we want them gone off the local streets, to return them to local residents.

But what would this lot of B-graders on the other side of the house — this dormitory of B-graders — offer? They have offered many things. They wanted to send the north-east link straight through the heart of Eltham.

Mr Clark — On a point of order, Speaker, the minister is now departing from compliance with sessional orders. In making a ministers statement he is proceeding to debate the issue. I ask you to bring him back to making a ministers statement.

Ms Ward interjected.

The SPEAKER — Order! The member for Eltham! The minister to come back to making a ministers statement.

Mr DONNELLAN — Absolutely. Another alternative was that they would never build it; that was another alternative. Another one was that he would be doing both the big projects together, and yesterday he welcomed — welcomed! — the federal money.

Let me very clear: last night I was talking to Bertha from Brighton, a little birdy, and Bertha from Brighton told me that the Leader of the Opposition was none too happy when he received the call because it came late. He had his angry pants on — the angry pants we know. But what I told Bertha from Brighton was that it is better to ring Bill — Bill from the Lobster Cave — if you are looking for the Leader of the Opposition because he always knows where to find the opposition leader.

Mr Clark — Speaker, on a point of order, last Tuesday I asked you to follow up with the Minister for Health some unanswered questions on notice that I had raised — namely, 13 873, 13 875, 13 876, 13 877, 13 878, 13 879, 13 880, 13 881, 13 915, 13 916, 13 922 and 13 923. I asked these of the Minister for Health on 6 February — a series of questions relating to undertakings and statements that the minister had made in relation to the voluntary assisted dying legislation and palliative care in order to seek support from members of this house and the other house for her legislation — and

they remain unanswered. You undertook to follow up on those questions. As yet those questions remain unanswered. They date back, as I say, to 6 February this year, and again I ask you to follow up with the Minister for Health to ask her to answer those questions.

The SPEAKER — I thank the member for Box Hill. If my recollection serves me correctly, I did write to the minister. I will follow up on that matter again for the member.

Mr Watt — Speaker, I raise a point of order with regard to question on notice 14 166, given that this month is Crohn's and Colitis Awareness Month and the fact that this question on notice for the minister was due to be answered on 26 April 2018. I do have a constituent who is a sufferer of Crohn's disease. It is a very serious question that he has asked me to ask the minister. I have done that on his behalf. I would hope — particularly given that it is, as I say, Crohn's and Colitis Awareness Month and it is a question about Crohn's disease — that the minister will actually do the right thing and answer my question and that you as the Speaker will chase up the minister to get her to actually answer that question.

The SPEAKER — I thank the member for Burwood. Does he have any further items he wishes to raise?

Mr Watt — I do have a constituency question, 14 190, concerning a constituent who has a son who is, as she describes, 30 years old, autistic, incontinent, intellectually disabled, epileptic and non-verbal. She wants to know where this 30-year-old son of hers is going to live when she can no longer care for him. The minister is acutely aware of this question. I have spoken to the minister, even outside of this chamber. Actually, it was not outside of this chamber. I was not standing by the microphone; it was actually in the chamber but not behind the microphone. I tried not to play politics with this. This question was due to be answered on 26 April. My constituent is extremely concerned about what is going to happen to her son, and I would appreciate it if you would get the Minister for Housing, Disability and Ageing to actually answer the question for my constituent, because it is something that really does need to be answered.

I also would like to follow up with you on question on notice 14 162 to the Minister for Roads and Road Safety. That too is unanswered. That question should have been answered by 25 April. I find it disturbing, as a member of this Parliament, that we have these rules put in place by the government and we then have ministers defying those rulings. You in particular are chasing them up. They defy you, they defy the

Parliament and they defy the minister who introduced these rules in the first place. The Leader of the House was the one who brought these sessional orders in. I would have thought that ministers would actually want to do their jobs. If they do not want to do their jobs, they should hand back the white cars, quit Parliament and allow those who do want to do the job to get on with doing the job. Part of the job is to answer questions that are put to them in this house by members of Parliament, whether they are on this side or whether they are on their own side.

The SPEAKER — Order! The member for Burwood has made his point of order. Does he have further items to follow up?

Mr Watt — No, that is all. Thank you very much.

Mr Wells — On a point of order, Speaker, I am still chasing up constituency question 13 398 in regard to road safety issues and roads in my electorate. It was a constituency question that I asked on 6 February.

The SPEAKER — I thank the members for raising those items. I will follow those matters up.

RULINGS BY THE CHAIR

Constituency questions

The SPEAKER (11:51) — On Tuesday the member for Ringwood raised a point of order in relation to the member for Frankston's constituency question on the basis that it seemed to request an action rather than ask for information. I undertook to review all constituency questions because at the time I think a number of those questions had a question mark over them in terms of them being actual questions under the precedents of this place.

The members for Ivanhoe, Frankston, Mornington and Cranbourne all asked a minister to provide updates or information on various matters. While I understand the members' objectives were to receive information and inform their communities, there are several previous rulings that make it very clear that asking for something to be provided is a request for a minister to take action rather than a question seeking information. I have previously ruled that I will try to allow questions where I can to preserve the rights of members to seek information for their communities, but I have to rule these questions out of order. I ask members to pay attention to the previous rulings, and indeed the guidance in an appendix to the current version of *Rulings from the Chair*, when they frame their questions. I also rule out of order the question

from the member for Evelyn because it describes a problem but then asks a question from constituents, not on behalf of constituents.

CONSTITUENCY QUESTIONS

Croydon electorate

Mr HODGETT (Croydon) (11:52) — (14 342) The pressure is on, Speaker. My constituency question is to the Minister for Small Business. My constituents wish to know why this government chose to cease the Grow Your Business program in August 2017, what programs are in place to support the growth of small business in regional areas and specifically how much funding has been allocated to support these programs in Victoria.

Carrum electorate

Ms KILKENNY (Carrum) (11:53) — (14 343) My constituency question is to the Minister for Roads and Road Safety. Families in the Skye area are welcoming the announcement that safety pedestrian lights will finally be installed at the school crossing outside Skye Primary School on Ballarto Road in Skye. Now that the funding for the new lights is available, my constituents would like to know when the project to install the pedestrian lights will start.

Murray Plains electorate

Mr WALSH (Murray Plains) (11:53) — (14 344) My constituency question is to the Minister for Energy, Environment and Climate Change. It is on behalf of Ian Boys and it concerns the matter of securing boat mooring sites on the Victorian side of the Murray River in Swan Hill. I wrote a detailed letter to the minister on 5 December 2016 seeking a resolution. In the minister's response of June 2017 she advised that new mooring zones for the Swan Hill area were being investigated by Roads and Maritime Services New South Wales and the Murray Shire Council in consultation with the Department of Environment, Land, Water and Planning (DELWP) as part of the process. The minister referred me to Peter Shadwick, senior statutory planner at DELWP, as the contact person. I have contacted Mr Shadwick on a number of occasions and have not had a response. Boat owners in my electorate are angry and out of patience. I ask: will the minister personally intervene to bring the matter of securing boat mooring sites on the Victorian side of the Murray River at Swan Hill to a satisfactory resolution?

Dandenong electorate

Ms WILLIAMS (Dandenong) (11:54) — (14 345) My constituency question is to the Minister for Youth Affairs in the other place. I ask: what additional funding is there in the 2018–19 Victorian budget to assist local organisations to deliver culturally appropriate support programs to empower young people and families from culturally diverse backgrounds in my community of Dandenong? I ask this because Dandenong is the most culturally diverse electorate in Australia, with residents from over 157 different nationalities. There would be few, if any, places that provide a better example of a thriving and harmonious multicultural city.

In Dandenong our diversity is our greatest strength, but it can also create some challenges in how we communicate with and engage local young people and families, some of whom have made the journey to Australia after experiencing significant trauma in their home countries. Much of the ongoing success of our multiculturalism is due to targeted government initiatives which encourage social cohesion by engaging our young people and families in the community — long may this continue.

Rowville electorate

Mr WELLS (Rowville) (11:55) — (14 346) The question I wish to raise is for the Minister for Public Transport. Minister, after the welcome intervention by the Turnbull coalition government to invest \$470 million in a new train line from Huntingdale station to Monash University’s Clayton campus, can you confirm whether the Andrews government will go ahead with the planning phase for a tram from Rowville to Caulfield and waste the \$3 million in planning money allocated in the Victorian budget? The Andrews government needs to reconsider its plan to run a tram through the alignment on Wellington Road, which would destroy any prospect of building a train line from Rowville to the city, and put the money instead into backing rail all the way to Rowville, as people in my community have asked for. Minister, people in Rowville want a train. The top transport priority from 142 projects in the RACV’s 2018 *Growing Pains* study was a heavy rail line from Huntingdale to Rowville.

Frankston electorate

Mr EDBROOKE (Frankston) (11:56) — (14 347) My constituency question is to the Minister for Training and Skills. The question I ask is in regard to the announcement this week regarding the federal budget cutting \$60 million from the Victorian TAFE system. My question is: how will this affect Victoria’s TAFEs,

like the one in Frankston, and what is the Andrews Labor government doing to ensure that opportunity is still provided to people in my community to ensure they get the skills they need for the jobs they want?

Melton electorate

Mr NARDELLA (Melton) (11:56) — (14 348) My constituency question is to the Minister for Public Transport. When will new bus services be established and implemented to service existing and new estates within the electorate of Melton for the Eynesbury, Waterford, Atherstone, Melton South and Brookfield estates? Mr Matt Osbourne, an Eynesbury resident, had a talk to me, amongst others, about the need for a bus service. There is a need to establish these new routes to service families and students, to link into, firstly, the Melton railway station and, secondly, the town centre and Woodgrove Shopping Centre. The Melton bus routes were last reviewed and extended under the Brumby Labor government, and the growth has continued since then. These estates need to have the provision of buses to link into schools for job opportunities as well as recreation and leisure activities. Parents have to do the car shuffle to drop off and pick up their kids from Melton railway station and the schools. The provision of new bus services is very important, and I am happy to work with the minister along with Melton City Council on these matters.

Sunbury electorate

Mr J. BULL (Sunbury) (11:57) — (14 349) My question is to the Minister for Roads and Road Safety. What are the design time lines for the duplication of Sunbury Road announced in last week’s state budget? Whilst those opposite could only talk about fixing this road, it is the Andrews Labor government who are getting on and delivering this important duplication, which was announced last week. Twenty-four thousand vehicles travel on this road each and every day. It is one of the two major connecting points for the Sunbury community and also the Macedon Ranges community to the north. It is a terrific project and something that I am very pleased to be able to deliver for my community. I ask the minister for the design time lines for this very important project.

Forest Hill electorate

Mr ANGUS (Forest Hill) (11:58) — (14 350) My constituency question is to the Minister for Education. Minister, my question is: when will the government provide funding to address the many infrastructure needs at schools within my electorate of Forest Hill? I have raised the infrastructure needs at numerous Forest

Hill schools in this place during the last three and a half years, and they have all been ignored — for example, infrastructure needs at Vermont Primary School, Orchard Grove Primary School, Livingstone Primary School, Vermont Secondary College and Highvale Primary School in the electorate of Forest Hill, just to mention a few.

This neglect of schools in the Forest Hill electorate stands in very stark contrast to the pork-barrelling that has been going on in the minister's own electorate of Monbulk. In the four budgets since he has been the minister he has allocated over \$40 million to 11 of his own or adjoining schools. In addition to this he has allocated over \$30 million to 13 schools in the Premier's electorate of Mulgrave. Between them the Premier and the Deputy Premier have allocated a largesse of over \$70 million to their own electorates at the expense of my very needy schools in the Forest Hill electorate. When will this disgraceful pork-barrelling stop and funds be allocated on the basis of genuine need?

Eltham electorate

Ms WARD (Eltham) (11:59) — (14 351) My question is to the Minister for Roads and Road Safety. Peak-hour traffic congestion is an ongoing challenge for residents in my electorate. It is fantastic that the Andrews government is looking to the future by investing \$110 million to fast-track work on the north-east link, a much-needed project for my community. It is also looking at how to help locals through the Fitzsimons Lane upgrade announced in last week's budget. Minister, what improvements to traffic conditions are expected as a result of both the north-east link and the Fitzsimons Lane upgrade for commuters in Eltham?

LIQUOR AND GAMBLING LEGISLATION AMENDMENT BILL 2018

Second reading

Debate resumed.

Ms WILLIAMS (Dandenong) (12:00) — It is my pleasure to rise in support of the Liquor and Gambling Legislation Amendment Bill 2018. Unlike the previous speaker, the member for Caulfield, who clearly had not read this bill and spent his allocated time speaking about an unrelated matter, I intend to speak directly to the contents of this bill.

As we have heard, this bill amends the Liquor Control Reform Act 1998 to reduce red tape for licensees and to improve harm minimisation measures. These changes

come on the back of a review into the Liquor Control Reform Act to ensure that Victoria's restaurant and cafe culture and nightlife are supported while also minimising harm from alcohol use and abuse. This review was announced in early 2015. In early 2016 the Royal Commission into Family Violence recommended that the review's terms of reference consider family violence and alcohol-related harms, including consultation with people who have expertise in the interrelationship between family violence and alcohol abuse. Later that year a consultation paper was released and feedback was sought. In accordance with those royal commission recommendations major industry stakeholders were also engaged, as were family violence stakeholders. This review identified a number of issues with the act, including unnecessary red tape around licensing processes, advertising, compliance and more.

The bill before us today addresses recommendations that can be acted on over the short term. There is a second phase of work to address recommendations that require longer term consideration. There are quite a number of changes made by the bill, but I am only going to focus on a few. They include amending the wine and beer producer's licence category to the producer's licence, which allows spirit producers to obtain the licence and conduct things like cellar door sales. This effectively expands the licence category to permit all spirit producers to use the same licence, which will benefit approximately 32 distillers across Victoria. Currently the producers of spirits other than brandy are required to obtain a different licence, or in some cases multiple licences, to undertake the same activities as other producers. That is obviously not a desirable outcome.

The bill also addresses administrative issues with the transfer of a liquor licence to enable a new licensee to begin trading immediately on the transfer of a licensed business. As it currently stands licensees are required to wait for the transfer to be endorsed on the liquor licence before they can start trading. This process can delay the commencement of trading by a number of days after a transferee gains the right to occupy a premises. That obviously can be quite damaging to a new business. The new scheme established by the bill will still require the transferee to satisfy the requirements for the licence transfer before they can commence trading, and all existing checks and balances in the licence transfer process will remain. We are not relaxing those standards.

The legislation also provides that demerit points and compliance risk history fees incurred against a liquor licence will not be transferred with the licence unless the transferrer has a relevant relationship with the

transferee, and that essentially means a business or family association with the transferee.

The purpose of these changes is to ensure that a licensee who acquires a licence with demerit points does not suffer any adverse consequences from poor management practices of the previous licensee. The demerit point system is designed to penalise licensees who commit serious breaches of liquor licensing laws. A demerit point can be recorded against a licence for any of six identified offences which relate to the service and presence of intoxicated patrons and minors on a premises. These offences broadly include the supply of liquor to an intoxicated person, permitting a drunken or disorderly person onto a licensed premises and other offences relating to the supply of liquor to persons under the age of 18 or the admission of a person under 18 onto a licensed premises.

If a licence incurs enough demerit points within a fixed time, the licence will be suspended for a period of time depending on the number of demerit points incurred. For example, five demerit points equals automatic suspension for 24 hours, 10 demerit points equates to automatic suspension for seven days and 15 demerit points equals a suspension of 28 days. Each demerit point is recorded against a licence for a period of three years.

As I have touched on, the definition of the term 'relevant relationship' has, it is important to note, a broader definition than the term 'associate', which has been used elsewhere in the Liquor Control Reform Act. The reason for this is that it was determined that the definition of associate was too narrow to prevent a licence being transferred between two close parties purely for the purpose of removing demerit points. Obviously we do not want to encourage an activity which is just about skirting the rules; hence the term has been changed to 'relevant relationship'.

The legislation also prohibits alcohol advertising within 150 metres of schools to limit exposure of minors to potentially harmful messages about alcohol. I imagine that this provision will be the one that attracts the most attention from people in their contributions today. There are some transitional processes in place to deal with existing advertising contracts, including that the prohibition will not apply for a period of two years after 28 March 2018 to any advertising displayed under a contract entered into before 28 March 2018. This transitional provision, however, does not apply to advertising displays that are not under a contract. In that case prohibition commences immediately.

The prohibition of advertising within close proximity to schools includes advertising such as billboards, banners, hoardings, signs, images and rolling static displays. It does not apply to alcohol advertising within a licensed premises or on the exterior of a licensed premises, by which we mean the external walls of a building. That exemption would not apply to, say, the footpath around a premises. These changes are in line with stipulations put forward in the Outdoor Media Association's code of ethics, but they further entrench those provisions and give greater certainty about the requirements. They are also stricter than existing restrictions in the code of ethics, which is why they are so important and why it is important they are enshrined in legislation.

Further, the bill amends the Liquor Control Reform Act to remove the requirement for licensees to keep a responsible service of alcohol (RSA) register. Instead of the register licensees will be required to retain evidence that relevant employees have successfully completed RSA training. Electronic versions of an RSA certificate will be acceptable proof of RSA training, and these changes will not affect the enforcement role of Victoria Police and the Victorian Commission for Gambling and Liquor Regulation.

Finally, the bill creates a new offence relating to the delivery of alcohol to minors and will require that the supply of alcohol to a minor in a private residence be made in a responsible manner. Delivery of alcohol to a minor is not currently an offence under the act, as the existing offence in the Liquor Control Reform Act focuses on the supply of liquor to a minor by a licensee or other adult. Delivery drivers are not captured by the existing provisions. This is another case of what we often see in this place, which is the adapting of legislation to respond to changes in the way we acquire goods and services. For example, now that alcohol can be ordered over the phone and the internet, the point at which the alcohol is appropriated to the order, which more traditionally would be at the point of sale, is not the same as the point of delivery, effectively meaning home delivery is not captured by the current rules. In this way the new provisions are effectively ensuring that delivery people can be held accountable for supplying or delivering alcohol to a minor. To avoid prosecution delivery drivers would be well advised to check identification and keep a record of having done so.

As I have outlined, this bill includes a range of measures that I think are very sensible. They are very pragmatic, both in terms of making life a bit easier for many of our licensees by cutting red tape, but also adequately protecting the community and particularly young people.

Mr WATT (Burwood) (12:10) — I rise to speak on the Liquor and Gambling Legislation Amendment Bill 2018. I will not be focusing on the entire bill. There are a number of parts to the bill and provisions of the bill that make changes to a number of things. One of the things I would like to focus on is the banning of the advertising of alcohol within 150 metres of schools. I compare and contrast that to some of the other government policies around substance abuse and substances which may actually cause harm, and in some cases more immediate harm to individuals and to the public than alcohol. Compare that to not only the advertising of alcohol, but moreover the use of certain substances within, say, 37 metres of a primary school.

I would also like to focus my contribution on some of the changes in the legislation around gambling. The reason I say that is because — and I have raised this before in the chamber about legislation that was introduced by this government around gambling when the government introduced changes to the Victorian Responsible Gambling Foundation and gave them the capacity to set direction and policy and advocate — I have done a search. That is why I was on my phone when I started this contribution, because I was actually double-checking the Minister for Consumer Affairs, Gaming and Liquor Regulation's second-reading speech. I was looking for the word 'foundation' so as to be able to say whether the minister in her second-reading speech mentioned the Victorian Responsible Gambling Foundation at all, either in the speech or in the statement of compatibility. I checked both and strangely enough, once again, we have a bill before this house which talks about changing gambling in this state and the minister did not see fit to actually mention whether or not she had any consultation with the Victorian Responsible Gambling Foundation.

At no point in her second-reading speech, which was tabled, but nonetheless, or in the statement of compatibility do we have any indication as to whether this government has taken time to actually consult with the Victorian Responsible Gambling Foundation, which has been given extra powers by this government. I am a board member of the Victorian Responsible Gambling Foundation, due to the good grace of members of this house, and I thank all members of this house who gave me that opportunity. To be on that board and then come in here and see legislation put before us, and not have the minister make any commentary about whether or not the foundation had actually been consulted or if the views of the foundation are reflected, is frustrating.

The bits that I want to concentrate on are the provisions in this bill that actually make amendments to the process for the granting of a Keno licence. Now, a

Keno licence is gambling, and I very much would have thought that that would be something that the foundation would be interested in. I would have thought that the minister might actually touch on that in her second-reading speech. I encourage the minister, next time she turns up to this house and wants to change gambling legislation in this state, that maybe she makes sure that people understand whether or not the foundation has been consulted and whether or not they agree or disagree with that.

The bill enables a Keno licensee to be able to recover top-up payments to the prize pool. There are other provisions that provide the minister with the power to direct wagering services which, by their very nature, are gambling. Once again I would have thought that the minister might have made commentary during her second-reading speech. If members opposite — I understand that the advisers are in the corner and may have answers — following me want to get up and explain to me and explain to the house whether or not the foundation has had any part to play and what commentary they have had or part that they have played in some of these changes, I would appreciate that.

The bill provides the minister with powers to direct wagering service providers, including online wagering. I know that the gambling foundation is concerned and I note that the member for Ovens Valley, who is a former member of the foundation, is in the chamber as well. Online gambling is going to be — well, it already is — one of the biggest problems that we are going to have in the future and we have to try to deal with that. We know that pokies are a problem and we know that online wagering is an emerging potential problem that we need to deal with. I am not saying that these are good or bad, but I am just saying that I would have liked to have had the minister or members opposite explain to us what part the foundation had in this discussion, including about online wagering to comply with harm minimisation and consumer protection requirements.

The bill also makes minor changes to requirements for wagering loyalty scheme providers with respect to annual player activity statements. Now, once again, these are changes, and they may not necessarily seem to be very large changes. The government may see these as fairly insignificant changes, but nonetheless these are changes to the gambling legislation in this state. We have an independent body that was set up by the government which is tasked with making comments, policy direction and advocating for policy changes. I would have thought that they would have been consulted. I am not in any way saying whether or not they were. I am just saying that it is disappointing to not

hear anything. I listened to the member for Dandenong and her contribution directly before mine. I know that she chose to concentrate on other things and I respect that, but I hope that members after me might actually give some commentary as to whether the foundation was consulted or not, and what commentary they may or may not have had on changes to gambling legislation in this state because I do think that is fairly important.

Otherwise, if this foundation is not seen as important by the government then maybe the government should take action to fix that. They should make them relevant or they should just admit that they are not relevant. I know that as a board member I do not want to be wasting my time. I want to have outcomes that actually make a real difference to people's lives in Victoria. It is not something I participate in or engage in just for the purposes of CV building, because that is not what I am interested in. If the foundation is not going to be consulted or acknowledged in this place for the work it does, then that is extremely disappointing. I hope the government will satisfy me on that point.

I want to go back to the first point I made around advertising within 150 metres. I personally think this does touch on a person's rights when it comes to freedom of speech and freedom of expression. I note that the bill does say that if you are wearing a T-shirt then it is fine, but what happens if I were to purchase a property within 150 metres of a school and I just happened to like a particular advertisement of a particular alcohol brand? I might like to have this particular brand on my window. I might like to have a flag. I am not a Jim Beam drinker, but maybe I would like to have a Jim Beam flag flying in my front yard. What if I were to have a party with some mates at my premises within 150 metres of a school? As part of that you might have a bit of signage or advertising. You might have some boxes of VB, which might be your drink of choice, or some other alcohol branding. You might have that in your front yard. Is that covered off in this bill? I look at the wording of the legislation, and I wonder whether that is an issue.

The government seems to think that advertising within 150 metres of a school is a problem, but then there is Richmond West Primary School. I know that members on the other side might not be comfortable with members on this side going down this path, but it does directly contrast advertising alcohol, which is a legal product, with the use of ice and heroin, which are drugs that are illegal in Victoria. The government seems to think it is okay to set up a facility and to make sure that everyone knows that within 37 metres of it is Richmond West Primary School. You will find that you will not be able to put a VB sign up in your front yard,

but do not worry about that because you can just pop over to the drug injecting room and get your hit of heroin or your little bit of ice and away you go. Taking drugs within 37 metres of a primary school is acceptable under this government; showing people your choice of alcohol is not. The way the government has gone about this is double messaging — alcohol bad, drugs good.

Mr PEARSON (Essendon) (12:20) — I am delighted to make a contribution on the Liquor and Gambling Legislation Amendment Bill 2018. As the member for Dandenong so eloquently outlined in her contribution, this bill is about modernising the existing arrangement for the consumption of alcohol in the state of Victoria as well as making other changes in relation to gambling.

I did listen to the member for Burwood's contribution. My understanding is that the bill before the house gives effect to national policy considerations and agreements that have been reached at a national level as well as implementing a number of administrative arrangements that have been dealt with by the department. Clearly the foundation does play a very important role, and it is in regular contact with the department, as you would expect. That has been the case and will continue to be the case, but I think it is important to recognise that this bill does give effect to those national harmonisation arrangements which you would expect the government to engage with and embark upon.

I note that the bill talks about the fact that spirit producers will be able to sell their products from a cellar door or supply their products at promotional events under one licence type. I have not been there, but I know that in my electorate there is the New World Whisky Distillery at Essendon Fields. I know the member for Niddrie has been there. I have not been there yet, but I think this bill will be welcomed by a company like New World Whisky Distillery.

The bill also ensures that demerit points and the compliance history risk fee will be removed from a licence when it is transferred. I think that is a really important initiative, because I think that if you buy a freehold of a licensed establishment you should not be burdened with the sins of the vendor. You should be held to account based upon your record as a licensee. I think that is a really important initiative. It is important that people are given the opportunity to demonstrate and prove to themselves that they are fit and proper people to run an establishment.

A bill like this is also important because it does reflect the world in which we live. It reflects the changing role

that the consumption of alcohol now plays in society compared to the way it used to. Acting Speaker Spence, you and I are of a certain vintage, and we remember the booze barns in the outer suburbs, which particularly where you and I grew up were a very blue-collar male environment. They were basically places where blokes would go, load up and then head home to their families. The drive-throughs would often do a roaring trade on a Friday night or a Saturday.

I think if you look at the way in which we consume alcohol and the way we are becoming a more equal society, that has changed. Licensed establishments are now not just pubs; they are also cafes. We are changing in the way in which we consume alcohol. Clearly we are drinking far less than we used to. I note that the *Lancet* in a recent article talked about a longitudinal study in Western countries going back to 1964. It talked about the number of alcoholic units you should consume on a weekly basis in order to be safe, and if you are consuming more than 35 standard drinks a week then that would have a significant impact upon your length of life. Whereas we have been thinking that you should probably drink no more than 28 standard units a week, this study shows that you should probably be drinking less than 14 standard units a week.

If you go back to the 1970s and the 80s, it was probably just form in a lot of households that if you were a bloke — it was generally men that were drinking heavily in those days — you would bowl over a sixpack a night and back it up with a bigger effort on the weekend. That is no longer the case now. We are drinking less and I think that we are becoming far more of a cosmopolitan society, where you can have a glass or a couple of glasses of wine and you stop there, rather than trying to drink as much as you possibly can in order to have a good time.

On that note, one of the amendments to the bill is that it will allow patrons to be able to take away up to one bottle per person of unfinished liquor. This is an important measure because often people will order a bottle of wine because it is more economical and circumstances might change in the course of the evening — you decide that you are not really going to finish it all off, and historically people would then turn around and basically scull it, I dare say, Acting Speaker. Not that I would reflect on you, Acting Speaker, that you have ever indulged in such risky behaviour, because you are the paragon of modesty and virtue, but others who may not hold such modesty may indeed have sculled copious amounts at the end of the evening. So clearly this is to provide people with that flexibility — you can just put the top on the bottle, take it home with you and consume it at a later date. That is

a good thing; that is encouraging the responsible consumption of alcohol, which I think we all agree is an important initiative.

In preparing for this bill I do recall some of the earlier discussions about the fact that as a minor you used to be able to consume alcohol on a licensed premise in the presence of your parent or guardian; I think this bill does tidy up that initiative. It is interesting what we now know about the brain development of children. Going back to my vintage, it was seen to be quite fine to occasionally have a small amount of alcohol with a meal on very rare occasions. What we know now is that that is not ideal at all — that we should be ensuring that younger children, and particularly boys because their brains develop at a different rate to girls, abstain from the consumption of alcohol below age. I think that is an important tidy up; I think it reflects modern values.

The bill also relates to the delivery of alcohol. Once upon a time you would not have thought that you could have a delivery service for alcohol; it just would not have been thought of or considered or done. In this day and age that is a more frequent practice, and the bill is making it an offence to deliver alcohol to a minor, and I think that is an important initiative.

The bill also talks about the provision of alcohol to minors on private premises being undertaken in a responsible manner. Acting Speaker, I think you will recall a very tragic case — it would have been probably 15 years ago — where there was a party that I think might have been up at Melton, and a boy who might have been only 13 or 14 had gone there. The host of the party had supplied him with really cheap alcohol; it was a spirit. He drank a large amount of this — it was almost bootleg liquor, really — and then left the party. I think it was in winter. He got lost and he basically died alone in a field near where the party was. The parents did not know alcohol was going to be served; they did not know he was going to be put in that situation. They let him go to the party and he died. I cannot imagine the pain and the suffering that his parents must have felt as a consequence of this. I think in putting the onus on individuals — that if they are going to engage in the provision of alcohol to children who are under age — there should be those penalties put in place and an appropriate regime put in place to make sure there are penalties where there is non-compliance.

The bill also refers to looking at harm minimisation protections for online wagering as well as a national self-exclusion register. Clearly, we have come a long way. It used to be that if you were going to have a bet, you would go to the pub TAB or the local TAB. Now increasingly that expenditure is going online because it

is easier and it is convenient. This is about trying to make sure that we do put those appropriate protections in place for people who do gamble. I think it is something like 2 per cent of the population are problem gamblers, or thereabouts. Where we can try and put in place those protections to ensure that if people are in an online environment, they are getting the support they need to deal with those problems and issues, that is a very welcome initiative.

This is an important bill; it is important that we modernise liquor and gambling regulations and legislation on a regular basis to take into effect technological change and the changes in our society and our values. On that note I commend the bill to the house.

Mr McCURDY (Ovens Valley) (12:30) — I am delighted to rise and make a contribution on the Liquor and Gambling Legislation Amendment Bill 2018. As you have heard from other speakers on this side and our lead speaker, the member for Gippsland South, we will not be opposing this bill. It is basically an omnibus bill incorporating many minor changes, and yet they are worthwhile changes. Alcohol is a major industry in this state, as we all know. It has been credited with bringing together wonderful relationships and partnerships around the world, but it is also the cause of many relationship breakdowns and partnership collapses, and it can do harm in our community. So this is a space that we need to be active in — governments of all colours.

Australians spent \$14.5 billion on alcohol last year alone and \$10.5 billion of that was bought basically through supermarket chains — the likes of Dan Murphy's, First Choice, BWS, Aldi and the like. So as to the investment we make in ensuring that our retailers have a safe space for the responsible service of alcohol, whether it is security in nightclubs, the five-star ratings — the list goes on and on — most of that investment is wasted when 72 per cent of the alcohol purchased is consumed at home or bought at off-licence premises. I think this is an area we need to focus on. This is where I think the Parliament has a bit of work to do — as I said, on both sides; this is an issue for all Victorians.

If I can draw a small parallel without diverting from the bill too much, if we compare print media ownership with Facebook and Twitter in social media, the editors of print media provide a filter before publication. They talk about whether there are legal or moral grounds and whether there is truth or trustworthiness in what they write, whereas social media does not offer that filter. Individuals are publishing to the world without a filter or care about their legal understanding.

I draw a parallel when looking at alcohol purchases. If you go to a nightclub or bar the responsible service of alcohol rules are all there on display, and you know what they are. But when you go to the supermarket, buy up big and take it home, domestic violence and other issues can sometimes come from that purchase. I think we again need to be a little careful that we have got room to move in this space. Although the changes in this legislation are very practical, there is still some way we can go. I am not suggesting a nanny state at all, and I am not trying to stop reasonable, responsible people from purchasing and consuming alcohol at home. But those who do abuse that right — through excessive alcohol use, domestic violence or other unsociable behaviour — certainly need to be brought to account. If a bartender is responsible and accountable for a person's conduct in a bar, at what stage is the supermarket accountable and responsible in that area?

I will finish that little rant now and continue with more on the bill. The changes introduced by the bill include a very practical way of making it an offence to knowingly deliver alcohol to a minor. I see the minister is in the house now, which is terrific. No doubt she has come to listen to my great contribution.

It is a changing world, as we know, with Uber Eats, Tipple and other ways we can deliver food and alcohol throughout our communities. This is an area that we need to be progressive in, and I think it is an ideal way to move this forward. Delivering things to home, as is done by Uber Eats and Tipple, is certainly not new. I seem to recall milk was delivered to home many years ago, and pizzas have been delivered for a long time too. So this is not new in terms of a home delivery service, but it certainly is new in the alcohol space and in the different types of food that are available for delivery. I certainly support these changes that make sure that minors are not in a position to be able to accept alcohol from delivery-based services.

This bill also removes current exemptions that allow minors to consume alcohol on licensed premises if dining with their parents. Again this has been supported by the Australian Hotels Association, which is a great third-party endorsement. As I said earlier, on the one hand you put the responsibility for the responsible service of alcohol on the venue and the bartender, but on the other side there is a contradiction if you say, 'These are the rules. Minors aren't allowed to drink on premises, but if they're with their parents they can'. Times have changed, as we know, and I think it is better to have consistent rules, such as that a minor is not permitted to drink whether they are with a parent or not. I think that is a positive step forward.

The bill also requires the supply of alcohol to minors on a private premises to be undertaken in a responsible manner. Again this is a reflection of how society has changed. Once upon a time it was probably a given that if you gave your children permission to go to somebody else's place for a party you would have an understanding that the parents would want to see alcohol consumed responsibly. I am not saying that does not happen now, but things have certainly changed over the years. If you give your child permission to go to somebody else's premises for a party, you do not need a guarantee but you certainly need assurance that the government supports the fact that the parents who own the property and are conducting the party need to demonstrate responsibility in terms of alcohol use and the serving of alcohol at the party.

The bill also allows patrons to take up to one bottle per person of unfinished liquor from a licensed restaurant. As many have said, this is a great initiative. The Ovens and King valleys are blessed with many wine companies, including Pizzini Wines, Dal Zotto Wines, Gracebrook Wines and Brown Brothers — the list goes on and on. We have got fantastic cider companies as well, including Murray River Brewhouse. That is my son's company; I have to clarify that. There is no doubt about it — we produce wine in our fine region, and we send it to Melbourne and it gets value-added. Sometimes it is value-added to disproportionate amounts in terms of dollar value — it becomes a very expensive bottle of wine. As other speakers have said, this means that you do not have to finish that bottle just because you paid an enormous amount of money for it. You can put the lid on it and take it home. Again this is a very practical step forward.

The bill will also allow spirit producers access to the same licence that wine and beer producers have, which allows cellar door promotional and sales events. Hurdle Creek Still gin producers are in Bobinawarrarah, in my electorate, just at the back of Wangaratta. They have enormous trouble when they try to do what wine and cider sellers do at markets and other regional events. This will make life a lot easier for them — it will give them a better opportunity to promote and sell their products at markets. At markets in regional Victoria and even in Melbourne there has been an unfair advantage for wine companies. The changes in the bill sit very well with the changes that are occurring in people's consumption habits and in the products that they consume.

Removing licences to maintain responsible service of alcohol registers, an administrative obligation, is a good thing, because these registers are unnecessary. Certificates will still need to be produced as proof, and

that is fair enough, but the register will not be required. It has become more and more difficult for some of these businesses to comply with the administrative imposts. This is a way of removing some of those imposts and roadblocks. If it does not compromise the responsible serving of alcohol, again this is a positive step. Anything that we do that helps small business cut down on their paperwork is a good thing.

The bill will remove administrative delays in granting liquor licence transfers, which are caused by the doubling effect of both the Victorian Commission for Gambling and Liquor Regulation (VCGLR) and local council requirements. This will smooth that over. I think the VCGLR will be able to do this on their own without having further requirements from local councils. Again that will make a big difference.

Speaking of liquor licences, I have been speaking to the minister's office about North Wangaratta Football Club, which has been belted by the Environment Protection Authority — but that is another issue. At every home game they have to get another temporary liquor licence. I am talking to the minister's office about that at the moment, and I am very appreciative of their willingness to listen to me. Let us hope we can help out with this issue.

Finally, I just want to finish by speaking about the 150 metres away from a school. I do find it quite stark that while banning alcohol advertising 150 metres from school is a good thing, I am surprised and horrified that we can still have ice addicts near, for example, Richmond West. Everyone knows what is the elephant in the room there: ice addicts can still shoot up ice so close to a school. I suppose there is a double standard there on display, and I think we should consider that seriously in the future as well.

Ms WARD (Eltham) (12:40) — I have quite appreciated a great deal of the contribution that the member for Ovens Valley just made. In particular, I share with him his fondness for many of the wines produced in his area. I have to say, though, that it is really disappointing that we cannot have a sensible debate about really serious issues and that we have opposite us a coalition who are willing to approach an argument from a very base position. To compare the changes to the act that are being made by this bill with what we are wanting to do to protect the community of North Richmond and its surroundings is quite astonishing. I really think that those opposite need to stop drinking the Kool Aid of their Trump-like friends and stop engaging in negative campaigning in an attempt at fearmongering in a community that do not deserve it. Our community in Victoria deserve to be

respected by their political parties, not treated as opportunistic pawns in a game. This is not a game.

What is happening in Richmond is affecting people's lives, and what we are doing is helping keep that community safe. To say that you cannot understand how we can put in changes to an act to prevent the advertising of alcohol within 150 metres of a school, as we have done with gambling advertising, and to say that that is comparable to having a safe injecting room near a school is just foolish. It is absolutely foolish. To try to drum up hysteria over something that will not only save people's lives but also prevent children from having to encounter syringes, overdosed people, dead people and all the other horrible, horrible effects of drug addiction in a community is just shameful. That those opposite think they can reduce a debate about legislation in such a way just shows the intellectual paucity of those opposite and why they are regarded as a B-team — because that is base. It is absolutely base politics and it is immature politics. It really is. They need to debate bills on their merits and not try to drum up fear campaigns that only harm people and do not help to actually create good legislation.

However, this bill is yet again a good bill. This is yet again more good, solid policy from a very good, solid government that is actually governing in the best interests of all Victorians and that is actually acting in the best interests of all Victorians, to help Victorians have the best lives that they can have, not to have them quivering in their shoes, fearful of living in this great state — which is exactly what those opposite try to do.

This bill amends the Liquor Control Reform Act 1998 to reduce red tape for licensees and to improve harm minimisation measures, which are both honourable aims. I applaud the Minister for Consumer Affairs, Gaming and Liquor Regulation, who is in the house right now, for the work that she, her office and her department have done in creating this legislation.

We have spoken a lot in this place about the Royal Commission into Family Violence. There is a reason for that, and that is because it is incredibly important. That this legislation also looks to the work of that royal commission and the work that this government has done to inform and help create this legislation is very good, and I am grateful for that. It is great that actions taken through this legislation address concerns that came out of the royal commission regarding alcohol and how alcohol can contribute to family violence. I am pleased to note also that this government will do more and that there will be more to come in this space.

This legislation will create some changes for businesses across the state, especially businesses in my own community whose operators are wanting to take over a licence or a business or wanting to create a new one. I am really glad that that application process for liquor licensing will become simpler. I cannot tell you how many businesspeople in Eltham, Montmorency and Greensborough have come to me and talked about the difficulties they have had in obtaining a liquor licence, the delay from the time that they get their planning permit until they actually get their liquor licence and how many of them have had to trade for months at a time without their liquor licence because they have had to go through so much red tape. The fact that we are reducing that and making it easier for them is a very good thing. I am really grateful to the minister, her office and her department for helping our responsible, good local businesses to continue to do what they do best and be competitive in what is a very competitive market.

I am sure that there are many people in this place who have tasted Four Pillars gin here in Parliament as well as in their homes. Of course as Four Pillars Gin is on the doorstep of the Yarra Valley its gin is popular in my own community. I am glad that we are amending the act to make it easier for places like Four Pillars Gin to have gin and other spirit tastings, understanding that they can act in just as responsible a way as the operators of our many wineries and other places that also have tastings.

I do want to talk about prohibiting alcohol advertising within 150 metres of schools to limit the exposure of minors to potentially harmful messages of advertising and messages about alcohol. We know that kids can be easily influenced. We have seen this through tobacco advertising, and we have accepted it also with gambling advertising. It is great that we are doing something about alcohol advertising as well. We know that kids cannot make informed decisions about alcohol consumption. We know that the earlier that kids are introduced to alcohol and take it themselves the more it affects their cognitive development. It can affect the outcomes in their lives, how they relate to their peers and the decisions that they make.

We have seen lots and lots of studies that have talked through how exposing kids to alcohol can be detrimental. I want to refer to a 2007 American study from the University of Minnesota which found that when alcohol advertising is close to school sites, it can affect kids' choices and behaviour. This included kids even in sixth grade in America. This study found that it could be predicted at the sixth grade level what kids' behaviours would be, based on the location of alcohol advertising and how close it was to their schools. The study found that:

Exposure to outdoor alcohol advertising around schools is associated with subsequent youth intentions to use alcohol. The association between exposure to alcohol advertising and youth alcohol-use intentions was found even among sixth grade non-users of alcohol, suggesting that even those who have not used alcohol are still influenced by alcohol advertising.

This is good work. This is good stuff that we are doing, and it is important stuff. It is important to protect our kids, which is why we create bills like this and why we amend laws — so that we can continue to evolve and recognise the challenges that our kids can have and we can help and protect them. That is exactly what we have also done in North Richmond.

I go back to what I started my contribution to this debate with — that is, at its heart this is a government that wants to look after this state, this is a government that wants to create opportunities for this state and this is a government that does want to protect our kids. Just as we are investing in our TAFE, just as we are investing in schools and just as we are creating amazing infrastructure projects that are creating jobs, we need to do the small things too. Limiting where alcohol companies can advertise their wares around schools is important, just as it is important that we protect our kids from exposure to the problems that are created by drug addiction — and that is exactly what is happening in North Richmond. There is no parent in this place or anywhere else who wants their child to see the body of a dead person in their school ground through a drug overdose. There is no-one in this place who wants to see that.

For those opposite to try to use this amending legislation as a political football for them to try to score cheap shots over the location of a safe injecting room is nothing short of pathetic. It really is. They are in such a policy-deficit zone that that is all they can talk about in this policy space. They cannot talk about their own desires, about their ways of doing things better, about how they would improve legislation, about how they would address this issue —

Mr Wakeling — On a point of order, Acting Speaker, this is wideranging debate, but I do ask you to bring the member back to speaking directly to this bill.

The ACTING SPEAKER (Mr Dimopoulos) — I think it is wideranging, and I think the member spent most of her time talking about the bill. I would encourage her to continue to do that.

Ms WARD — I do commend this legislation.

Ms BRITNELL (South-West Coast) (12:50) — I am pleased to rise to speak on the Liquor and Gambling

Legislation Amendment Bill 2018 and note that the coalition will not be opposing this bill. The bill makes some important minor changes that have been welcomed in my electorate by some of the businesses that will be affected, and I look forward to legislation that will tackle some of the more challenging things to come.

The bill particularly makes changes to the licensing regulations for spirit producers, which I will talk about soon. I am not surprised but I am disappointed to see that the government has not thought through the practical implications around the 150-metre limit. Obviously it is good to make sure that there are no negative influences around our children, but when you consider the fact that we have 887 shopping centres within 150 metres of schools, I am not sure that the government has done due diligence on how this will play out and actually work.

Before I talk about some of the effects in my community, I note the hypocrisy of this government in taking the moral high ground of banning alcohol advertising around schools but allowing a heroin injecting room to be set up next door to a school in Richmond. I find this really quite challenging. I can clearly see the rationale for banning alcohol advertising within 150 metres of a school. However, alcohol is a legal drug, yet you can have an illegal drug being administered within 50 metres of a school. How is that okay? Is there only one suburb in the whole state of Victoria that has a problem? If it is such a tried-and-tested measure, then why are we not seeing it where there are drug-affected communities that really want to do something about the issue?

That brings me to the Lookout project in Warrnambool. The Warrnambool community, knowing that we have a drug and alcohol problem, have really embraced the challenge. We have some amazing services, but there is one very big gap — and it is right across Victoria — with the need for 100 beds for residential rehabilitation going unmet. The community in Warrnambool have said, 'We will take this challenge on board', and they have raised just short of \$600 000 in a very short time. They are saying to the government, 'Hey, we have done our bit; come to the party and help us to get this actually happening'. But no, I am afraid to say there was no mention of that in the budget. Here we have a community saying, 'We understand the challenge; we have got a problem and we are prepared to meet it head on', but they have been ignored.

This bill does good things, and I will give credit where credit is due. The Timboon Distillery, an artisan producer in my region, was opened in 2007. It is an award-winning business run by Josh Walker and Caitlin

Mason, who reside in South-West Coast electorate but their business is actually in the member for Polwarth's neighbouring electorate. The Timboon Distillery produces a very fine whisky, I am told. I have been given a sample, but have not faced that challenge yet. Josh Walker came to see me last year to tell me about some of the challenges he was facing. One of them was taxation. We worked closely with the federal member for Wannon, Dan Tehan, and I am pleased to see the taxation changes that were announced last week by the Liberal federal government — the so-called 'beer taxes'. Those changes addressed the challenges facing Josh. This bill actually assists this distillery, because when Josh Walker needed to promote his wares at festivals, markets and the like, he would have to go through a very challenging process that cost his business in the order of several hundred dollars on each occasion. This bill brings his business in line to be more competitive with other alcohol distributors that are in the artisan scene.

I am very pleased to say that we in South-West Coast really value food and fibre producers, and we celebrate them. These anomalies hold back businesses — good family businesses, people who are showing innovation and initiative to start up businesses. It is crazy that they are held back as a result of government regulations. I am pleased to see that we were able to help Josh with that challenge.

That takes me to a case where this bill will help reduce administrative delays. In Caramut, a small town in the north of my electorate, a situation occurred where the hotel licensee changed. There was a mix-up of addresses and the licence did not get through, so we had a pub with no beer. All that might sound very clichéd from the song it was coined from, but it is the only venue in a very small town that the community can use. There are no other shops or even schools nowadays where people can come together and celebrate functions. One such event was the grand final, which is when this challenge occurred. Kahl Murphy had no licence for liquor, so he opened the pub but could not sell beer — although they were serving meals.

Families use these venues as a place to get together as a community, and when you have fires like we had six or eight weeks ago you need that focus for a community to come together. We did not want to see Kahl Murphy's business fail, so I worked very hard to get that licence streamlined and through. I am pleased to say we did get that result, but I do not want to see it happen again. Having more streamlined regulation is government's role, and that is what we needed to see.

On that note, of the township of Caramut, it gives me the opportunity to point out something about little

towns like that when they have got schools and the like closing down. The Labor government just walked away from that school. I went through that school not long ago, and they have literally walked out — there are desks, there are pens on the ground and the equivalent of exercise books still sitting everywhere. What has happened is people within that town have gone there to play — I imagine it is children — but vandals have also gone there. The windows are broken, there is glass everywhere, the floor is just scattered with possum droppings, and it is an absolute disgrace. It is an opportunity for me to mention that I think the Labor government should take some responsibility, fence that off and make it a safe place. It is a real danger to the Caramut community. I thought this was an opportune time to bring that up. I hope somebody can take heed of that, because it is a risk and something that should not be allowed to continue.

I think the issue around parental consent in hotels is probably going to come as a surprise to most people, as it did to me. I would never have thought you could let your children have an alcoholic beverage in a public place, particularly a hotel. I think the bill just brings the law in line with what the public values are. While we need to make sure that we do improve the understanding in the community of what the dangers of alcohol are, we do need to make sure as a government we are in this space — when we are in government, I am sure we will be — and as a Parliament we need to be in this space, because we need to find the balance between responsible consumption and also acknowledging the challenge that alcohol brings to our society. It is still the leading cause of addiction — way above ice — and it does still cause huge challenges.

I will use my last minute to say once again that the Lookout project in Warrnambool is the Warrnambool and surrounding community's way of saying to the current Labor government, 'We've done our bit. We don't ask for too much. Don't tell us the process is getting in the way. Let's iron out the problems'. They have identified the problem is real, and they have raised the money to come to the challenge. They are only looking for recurrent funding and a streamlining of the process. Geoff Soma, Greg Best, Glenys Phillipot and people on the committee have worked very, very hard. It is a challenge for our community and one we are prepared to meet head-on. I took this challenge on when I was elected. I understand drugs and alcohol. I have worked in the area for 15 years. I have tried to get people beds in rehab for many years. We do need to make sure we address the problems of drugs and alcohol. I commend the bill to the house.

Sitting suspended 1.00 p.m. until 2.01 p.m.

Ms SHEED (Shepparton) (14:01) — I rise to make my contribution on the Liquor and Gambling Legislation Amendment Bill 2018. This is a bill which amends the Liquor Control Reform Act 1998 and the Gambling Regulation Act 2003 to ensure regulatory frameworks support a responsible industry, as well as making minor and technical amendments relating to the commencement of last year's Gambling Regulation Amendment (Gaming Machine Arrangements) Act, which we probably well remember and which I voted against. It is a piece of legislation that really brings some common sense into a number of areas. Often people say to me when they talk about what goes on in Parliament that most of what they see is snippets of question time and it seems such an aggressive and angry place. But I do tell them that we spend most of the time dealing with legislation, which is either improving existing legislation or trying to make things work better — updating and the like. This is probably an example of an early step in a process that is currently underway.

I note that many of the provisions in this bill stem from the first phase of a review of the Liquor Control Reform Act that this government began in November 2016, which includes a public consultation paper, and that further and more complex amendments are proposed as that review process continues.

One of the amendments we are talking about today protects minors from alcohol harm. The first of those I would like to refer to prohibits advertising within 150 metres of a school to limit exposure to potentially harmful messages about alcohol. There are a number of exceptions of course that sensibly apply in relation to that in new section 115B inserted by clause 20. There are exclusions about walking past a school if you have advertising on your T-shirt and about existing businesses and those sorts of things. I note that some people raised some concerns about that, but I see that that clause sensibly contains a number of exclusions.

The second change prohibits minors from drinking alcohol with a meal under guardian supervision at licensed premises. That is something I have always known about, and it is possibly more of a country thing. It was not unusual to have a meal in a pub with your parents and they would have a drink. Younger adolescents might have a taste or even be served a tiny bit of wine, and in other cultures that simply was not uncommon. But it seems that there is a level of discomfort about that now, and I believe that licensees are supporting this notion of simply not allowing it, because it creates mixed messages. On the one hand we now have the evidence in about the damage that alcohol does to a developing brain. While there may be a social

reason for doing it, we know that there are really strong physical reasons to not have minors drinking in a way that may impact on the development of their brain. It is not a good message, and this bill is altogether removing that as an option.

This legislation will also require the supply of alcohol to a minor in a private residence to be done in a responsible manner. I think anyone who has had teenage children grow up as part of their life knows what a nightmare the party scene can be. We all drop off our teenage children at parties wondering what the hell is going to go on there, if these people will be responsible, to what extent other young people will be bringing alcohol to the party and what level of control there will be, so there is always a lot of angst about that. They say that if you can get your children to 25 without too much drama, you have done well. It is a pretty scary time for a lot of parents, and what is 'responsible'? It is a very airy-fairy word to put into legislation, but I think it is pretty clear that it is important that the person who is supervising is sober or certainly not drunk. It is important that young people are not reaching a point where they are obviously drunk either. There are going to be a whole lot of levels of understanding of what this means, but more than anything, it places a responsibility on the supervisors of those sorts of events, and of course parents in their own homes, to understand what alcohol does to a developing brain and where all this can lead to.

A lot of these pieces of legislation really just provide guidance to the community. Who is going to enforce this? We cannot have police going into private parties to determine these sorts of things. They simply do not have the resources to do it. This legislation creates a framework. It creates a sense of what community standards are and how people should behave. That responsibility to look after and care for minors, who are often going through a really experimental stage, is still really important because they are and remain vulnerable during those years.

The legislation reduces administrative requirements regarding obtaining liquor licences to streamline and expedite the process. You can apply for liquor and planning licences concurrently. So if the liquor licence was granted first, it was once conditional upon the planning licence also being put in place. There is now the opportunity to get down to business much more quickly and not be waiting for some of those planning requirements to occur first. It makes it easier for spirit producers to conduct cellar door sales. I am a regular watcher of *Landline* on ABC television, and we often see the boutique gin makers, whisky makers and all sorts of things around the countryside. These are small

businesses that we want to encourage in the sense that they are no different from wine growers and winemakers, who also sell at their cellar door, so it is just broadening the opportunities for those businesses that are producing specialty spirits to similarly be able to market themselves in the way that others can.

There are changes to the transfer of liquor licences to enable new licensees to begin trading immediately and to not inherit demerit points. I see in the bill that it is quite careful to not allow people to simply make a transfer to their mother, father, brother, sister or another entity with which they are associated. There must be a genuine transfer for the demerit points to effectively be wiped and the new transferee to then be able to operate the business with a clean slate. That does seem like a fair thing, and people should not really have to carry on the burden of the wrongdoing of the previous licensee.

This legislation also removes considerations regarding licensing from the Victorian Commission for Gambling and Liquor Regulation to reduce duplications. For instance, where local government has already made findings about noise, traffic or like issues, it will not be necessary for the commission to make a finding about those things when they are considering the application. This really avoids duplication.

I am pleased to see that work has been done by other state jurisdictions and the Australian government to develop a national consumer protection framework for online wagering. It sort of makes a nonsense of the situation where someone might self-exclude themselves from gambling, for instance, but be in another state or city and find that they can gamble. So I think a national register has, again, a lot of common sense to it. My electorate borders New South Wales. I am not sure what the laws there are, but you can imagine that sort of ability to cross the river. When people are trying to do the right thing you really want to support them in their efforts to do that. I understand that the final detail of that national framework is yet to be settled, but it appears that in giving the minister the power to direct wagering services to comply with harm minimisation and consumer protection requirements this legislation has been drafted to enable that, and of course there is a lot more work to be done in this space.

I think we all recognise the risks around the misuse of gambling and alcohol. Getting the balance right is always going to be a challenge for us, and we all perhaps react to and see things in different ways, but I am pleased to support this legislation, because it is on a path to minimising harm and providing protections.

Mr NORTHE (Morwell) (14:11) — It gives me pleasure to rise this afternoon to speak on the Liquor and Gambling Legislation Amendment Bill 2018. I will probably confine the majority of my comments to the liquor component of the bill. I must say, having had a look at the number of amendments and proposals under this bill, there are very sensible and practical amendments which I am sure will be supported by industry and by the staff of those who are involved in the liquor industry. Can I also say up-front a cheerio and a big thankyou to my work experience student, Lucy Bertrand. Lucy undertook a lot of study and research with regard to this bill. She has done a great job. So well done, Lucy.

There are a number of amendments proposed in this bill which I think are very sensible. Firstly, currently under the allocation of a wine and beer licence, brandy is included but other spirits are not, so the amendment to this particular provision will include spirits under that type of licence and make sure that all spirit producers are able to sell from cellar doors or promotional events under the one licence. That is a very sensible provision, particularly in regional areas, where cellar doors are quite common. The restrictions that were in place previously did make it difficult for many of those businesses. There is a tick of approval for that amendment.

With regard to the transfer of a liquor licence, the bill would make sure a transfer takes effect on the date it is granted. Again, this is a smart provision that gets rid of some of those administrative delays that can occur as a consequence of the transfer of a liquor licence. I must say, previously when I was shadow minister for liquor and gaming this was an issue that arose on a continual and consistent basis.

Another change is in regard to where a liquor licence business is transferred to a new owner and to the demerit point system that is in operation at the moment. Under the bill demerit points will not be transferred when a business transfer occurs. Again, I think that is a sensible provision. A new business owner should not inherit the mistakes, costs or history of a previous owner in this case. As the member for Shepparton alluded to, of course this will not be able to occur if there is a family relationship or a similar relationship. And that stands to reason.

Regarding liquor licences or BYO permits, another amendment of the bill that seeks to reduce delays is the provision that you can receive a liquor licence or a BYO permit prior to a planning permit. Whilst you still need both for those particular permits, making sure that a liquor licence can be granted prior to a planning permit, again, is sensible. It reduces the time and effort

for businesses who want to obtain their liquor licence, and that is common sense.

That leads into the next part of the amendments. Previously the Victorian Commission for Gambling and Liquor Regulation had to take into account a number of different factors when granting a liquor licence. That would include consideration of parking facilities, traffic movements, noise levels and all of those things that come with opening a licensed liquor outlet. Councils are best placed to be the authority in relation to those matters, not necessarily the commission. So reducing the administrative burden on the commission when it comes to granting a liquor licence on that basis seems to be common sense.

It is interesting to note, when we are talking about alcohol and liquor, how things have changed and how the accessibility of alcohol has changed dramatically. I notice the school group in the gallery has just left, but I think you could speak to any within the school group and they would be staggered that a 6.00 p.m. closing time happened way back in the day for pubs. That seems far removed from these days, where not only is there accessibility through licensed premises but we even have liquor being delivered. The accessibility of liquor is something that has changed enormously, and it is important that governments are responsible and put legislative measures in place along with industry and responsible employees.

Within that, one of the relatively new measures that has come into place relates to staff within liquor-licensed outlets. Having responsible service of alcohol training is pretty important. I must say, I have recently obtained my responsible service of alcohol (RSA) ticket through Federation Training in Traralgon. One of the changes in the bill refers to the responsible service of alcohol, but it is not necessarily just staff of licensed premises who require an RSA. In my case I obtained an RSA because of the volunteer work I do with my local sporting clubs, including my local football club and my local golf club.

So it is important that whoever is serving liquor understands the rules, regulations and legislation at hand and that they serve alcohol responsibly. Where there are RSAs, previously wherever alcohol was served employers or whoever is responsible would have to keep a register. This is now changing. It is proposed that licensees retain the most recent certificates of completion of RSA training for each employee rather than have to maintain a register, so it is a small administrative reduction for licensees as a consequence of that change.

One of the things I would say — and I forgot to ask a question of the minister or her staff about it — is that there are obviously provisions within this bill that are implementing legislative changes, so how are those who are in possession of an RSA actually to be informed of the changes? Is it the responsibility of the employer or the licensee to notify each and every person with an RSA of these changes that are proposed? I know when I went through the test — I got 20 out of 20 on my test by the way, Acting Speaker — some of the provisions within the bill were actually questions on the test, and so it is important that people who do have RSAs are informed of these proposed changes so they actually are doing the right thing. One of those questions was about minors being able to consume alcohol in certain circumstances.

I note that the bill talks about an unconsumed portion of alcohol being able to be resealed and taken home in certain circumstances. I think that is sensible from a drink-driving perspective. It is also important to ensure that the precautions are taken at a customer service level.

There are a few provisions relating to minors. The member for Shepparton and others have spoken about alcohol advertising within 150 metres of schools. There were some very good points made by the member for Burwood and others in relation to how that works for other types of substances, and I think there was a lot of merit in those comments. In terms of advertising near schools, the bill talks about some exemptions. I know within my community there are a number of liquor outlets within 150 metres of schools, so I think some better clarification on what those exemptions are, to make sure those businesses are not disadvantaged, is pretty important.

I spoke earlier about online businesses being able to deliver alcohol. This bill talks about an offence to deliver alcohol to a minor, and that is common sense. Minors are now no longer able to consume alcohol on licensed premises as part of a meal, which was talked about earlier, and again this was one of the questions on the RSA test that I did. So it is important that not only training organisations but also those in possession of an RSA are informed of those changes, because they are very important. There are also some other provisions around minors consuming alcohol on private properties with adequate supervision. This bill adds that this must be done in a responsible manner.

Overall and in summary, I think the number of amendments that are proposed in the bill are quite a few. They are not necessarily major, but they are very important. It reduces the administrative burden for many businesses and for the industry. It probably

clarifies some situations for staff who serve alcohol. As I said in my contribution, I have a couple of questions in terms of advertising near schools, what the exemptions are and how people with RSAs are going to be informed of these legislative changes. Overall this is good, sensible, practical legislation that I am sure is supported by industry.

Debate adjourned on motion of Ms NEVILLE (Minister for Police).

Debate adjourned until later this day.

APPROPRIATION (2018–2019) BILL 2018

Second reading

Debate resumed from 9 May; motion of Mr PALLAS (Treasurer).

Mr T. BULL (Gippsland East) (14:22) — It is a pleasure to rise and make a contribution on the Appropriation (2018–2019) Bill 2018. I have been listening to some of the contributions over the last couple of days in this chamber, and obviously the theme is that people on this side of the house get up and explain to the chamber what they missed out on, and people on the other side of the house get up and espouse the great gifts that have been forthcoming to their electorates. I want to talk about why this budget has been genuinely disappointing for my electorate and a lot of others in what you would call genuinely rural Victoria.

I just want to explain a couple of facts. Due to the quantity of facilities that are in many rural electorates, rural areas have higher needs, and I want to explain why. Last week I was talking to a metropolitan-based member of Parliament. His metropolitan electorate has one police station; Gippsland East has 14. He has one hospital in his electorate; we have four hospitals and six bush nursing centres. He has one fire station in his electorate; we have 50 CFA brigades in Gippsland East. His electorate has nowhere near the 55 schools that we have in Gippsland East, not to mention the thousands of kilometres of roads compared to what could best be described as a number of city blocks. This is why people in rural Victoria expect something out of every budget. With that quantity of infrastructure, which these communities rely on the government to provide, rural electorates must have their most urgent priorities attended to by the government of the day, no matter what the persuasion of that government.

I will give you a couple of examples. In my electorate we have the Bairnsdale Secondary College. Stage 1 was built at a cost of \$17 million approximately. Stage 2 was committed to pre-election by our side of politics.

What we have is a facility that is half very modern and half very old and dilapidated. We have a situation where every time it rains at that school with any significance — and it will probably do so tomorrow, looking at the forecast — the students have to be evacuated out of the library and evacuated out of two classrooms because water pours down the walls of those facilities.

Previous Labor education ministers John Lenders and Bronwyn Pike — going back over a decade — identified this school as a priority, but here we are now more than 10 years later and when our education minister comes in and talks about the Education State it is unfathomable that this school, like Echuca Specialist School, which the Leader of The Nationals spoke about earlier in the day, is not seen as a statewide priority. It beggars belief.

In February 2015 on radio station Gold 1242 this issue came up, and the education minister at the time said he would visit Bairnsdale Secondary College after I extended him a very kind invitation. ‘When his diary permitted’, was the response. He provided a similar answer to a question on notice in 2016. Here we are three years after that commitment on air, and he has not visited Bairnsdale Secondary College and to the best of my knowledge has not even been to my electorate. It beggars belief that we can afford hundreds of millions of dollars on an upgrade to Etihad Stadium, gifting the already wealthy AFL, when we do not have these schools in great need looked after. It is just not right. When budget time comes around, in rural areas we do not expect everything — you do not even get everything that you want for your region when you are in government — but we expect a little drink because of the number of public facilities that we have.

I also want to talk about the Hope Restart Centre for drug and alcohol rehabilitation, which we were hoping would be in this year’s budget papers. We have a situation where some communities, given the stigma attached, are not keen on having drug and alcohol rehabilitation centres in certain parts of their communities. We have seen that under both persuasions of government, but here in Bairnsdale we have a community that is very largely welcoming of it. In fact they are fundraising. We have a \$3 million commitment from the federal government for it to be built in Bairnsdale. We have a matching philanthropic donation that will be provided should it be built in Bairnsdale. The land for the facility has been donated. The council has put planning approvals through. This is a no-brainer. It has been sitting there for months. We just need the minister to sign off. We were very hopeful of something happening in the budget. It has not

occurred. I have been grateful to the minister for the discussions that we have had in good faith, but it needs to be announced. It is a no-brainer that we have this facility in a community that is welcoming, that is happy to have it and that has done so much work in fundraising and laying the groundwork to have this facility provided.

On public transport, our long-haul rolling stock is a disgrace. The air conditioning does not work. The buffet facilities are outdated. The carriages do not have a rustic look; they are in fact rusty. The Liberal-Nationals committed over \$630 million to replace all of that long-haul rolling stock in Victoria with state-of-the-art long-haul VLocity carriages. The government was silent on that in the budget. You cannot say you are serious about country rail travel unless you are going to upgrade that tired, dilapidated rolling stock that so badly needs it. But this did not occur.

The Bairnsdale fire station needs replacing. The Bairnsdale fire station is the highest Country Fire Authority (CFA) priority this side of Melbourne. It is the highest priority because there are significant OH&S issues. It is on the main street of Bairnsdale in very close proximity to what has become a very, very busy intersection. It is the highest priority this side of Melbourne for fire stations internally with the CFA. It has significant OH&S issues. It needs to be replaced. It was not in the budget. The highest priority this side of Melbourne was not in the budget, and we are told by the Treasurer that times are good.

Lakes Entrance, the second biggest town in the region, did not get mentioned in the budget papers — over 1000 budget papers and it did not get mentioned. Omeo mountain bike park, which I know the Minister for Sport has been made aware of, was ignored too. That would be nice to have. The infrastructure investment in this electorate has been nil.

I want to move on to roads. On coming to government this government's own budget papers in black and white indicated a significant cut to the road asset maintenance budget statewide. That budget was used to largely upgrade and maintain country roads. It was cut significantly. We also had the country roads and bridges program removed. Now with the investment in roads — surprisingly in an election year some money coming our way — the criteria around the country roads funding has been changed so that it does not necessarily have to be spent on country roads, which is a bit of a misnomer in itself. We will introduce the country roads and bridges program to go only to the 40 councils of rural and regional Victoria, and that

ought to be matched. Country roads funding cannot be spent on city roads.

On one of my portfolio areas of disability I will make just a couple of very brief comments. I understand that there was strong lobbying for a number of projects: a deaf facility, an upgrade to the Guide Dogs Victoria facility and an autism centre of excellence. In relation to the infrastructure spend, they missed out, and that is disappointing in an election-year budget from the Victorian disability sector's point of view.

If I can talk generally across the spectrum yet again, with over 50 schools, 14 police stations, four hospitals, six bush nursing centres and over 50 fire brigades, we got nothing — nothing. A number of those are in dire straits, and a number of those in anyone's language would fit into what would be determined as Victoria's highest priorities. That is why I cannot cop people coming in here and saying the government governs for all of Victoria. When you have got needs in your electorate that are clearly amongst the highest in the state and they are continually ignored, that commentary simply does not ring true. On top of that, we are the highest taxing state, as the shadow Treasurer pointed out. State debt is forecast to rise, and all this while revenue growth has fallen into this government's lap. The public sector has grown, and funds for things that are nice to have in our community, like Etihad Stadium, have been allocated at the expense of some of the must-haves that we require in rural and regional Victoria.

The government likes to talk about jobs and job creation. What it will not tell you is that for 18 of the last 19 months unemployment in Victoria has exceeded the national average. The government also likes to talk about TAFE, and there have been a number of heated exchanges across this chamber on that topic in recent times. But here is a question: how many more people are enrolled in government-funded courses since this government came to office? The cold, hard fact is that 151 000 fewer students are in government-supported training now than when this government was elected. Surely, despite all the rhetoric and the back and forth across the chamber, that has got to be the determining factor in relation to TAFE training. That has got to be the ultimate test of success. That is an MCG full and half full again fewer people in training now than when the government came to power.

Ms Thomas — Thanks to you.

Mr T. BULL — It is okay to say, 'Thanks to you', but do not come out and say you have fixed it, because you have destroyed it — 150 000 less. We have had

people stand up in here and say, 'We saved it'. I am not sure how under any measure that figure matches up with saying you have saved the sector.

As I said, we have the highest taxing state in the country based on the ratio of state taxes to gross state product. As the shadow Treasurer pointed out, despite these new taxes that he outlined in his speech, despite the increases in the GST that have been received — I think it is \$14 billion over four years in additional payments — and despite the \$9.7 billion from the port of Melbourne sale, the \$2.1 billion from Snowy Hydro and potentially the \$2 billion that has been earmarked by some correspondents for the sale of the land titles office, we see an increase in borrowings and an increase in debt.

In 2016–17 Victoria's debt was \$15.7 billion. Manageable? Yes. By 2021–22, in just four years from now, the debt is forecast to double to \$31 billion. What is going on? People ask, 'Where's it going?'. The budget papers show that employee expenses have blown out by over \$7 billion in the same period. There is a 38 per cent increase in the public sector wage bill. When our state population is increasing by 1.7 per cent per annum — that has been the average over the last seven years — and we have a 38 per cent increase in the public sector, it does not match up. Why do we need a 38 per cent increase in the public sector when population growth is 1.7 per cent? A lot of that, as has been pointed out in this chamber, is going into high-level executive positions and not frontline services for our community.

I conclude by saying that it is not all good news. It certainly has not been a good budget for my electorate or for much of rural Victoria. Our priorities remain the same. I hope that some of the issues that I have raised, including Bairnsdale Secondary College or the Bairnsdale fire station, which are really significant matters — Orbest police station is another — will be given some attention via pre-election commitments. I hope my electorate does not get a Labor candidate appointed four weeks out who lives in Ballarat, which is what occurred last election. I hope we get a candidate who is genuinely interested in the area, who can make some genuine pre-election commitments to the electorate and who is bipartisan, no matter who wins, and I hope that we actually get taken notice of in regional Victoria.

Ms THOMAS (Macedon) (14:37) — It is a great pleasure to rise today to speak on the Appropriation (2018–2019) Bill 2018. This is the fourth budget of our Treasurer, the member for Werribee, and what a fantastic budget it is. When you think about it, a budget is the

perfect way in which a government can demonstrate to the people of Victoria its values and what it prioritises. I am so proud of this budget and what it demonstrates to the people of Victoria when it comes to what Labor governments stand for, what Labor governments will do and what Labor governments believe in. Back in 2014, when we were running for government, we told the people of Victoria that if elected we would put people first, and we have demonstrated that in this budget and indeed in each of the budgets we have delivered for the people of Victoria.

I want to tell you a few stories about the budget and the impact it has had on people in my community. I am delighted that the member for Sunbury is in the chamber at the moment because I know he will enjoy some of these stories. I will never forget the look of joy on the faces of the principal of Sunbury and Macedon Ranges Specialist School, Jo Nolan, and campus principal, her husband, Brendan Nolan, when I rocked up to the school. I had made a little phone call ahead of time to say that I would be coming. I took my little novelty cheque with me.

Mr J. Bull — It wasn't little.

Ms THOMAS — It was not little, you are right. It was actually a big novelty cheque. I took it along. Brendan and Jo knew I was coming, but they were not sure what for. When I turned that cheque around and showed them that this government was contributing another \$4.2 million to the modernisation — effectively the rebuild — of the Bullengarook campus, I will never forget the looks on their faces and their tears of joy. I only wish that I could have been there days later when the member for Sunbury visited and met the very same teachers, Jo and Brendan, at the Sunbury campus with his novelty cheque for \$10.8 million. I am so proud that the Andrews Labor government has now delivered \$19 million to Sunbury and Macedon Ranges Specialist School — a school, I might add, that was neglected entirely by those on the other side in the time that they sat here on the Treasury benches.

I also had the opportunity to visit Riddells Creek Primary School. They are very, very popular in the Riddells Creek community. They are doing a lot of really great work on inclusive education and have built a beautiful inclusive school garden and run a fantastic Stephanie Alexander kitchen garden. I was able to rock up there and announce \$2.2 million to Riddells Creek Primary School. That was fabulous because I had the opportunity to take the minister to the school, and he was able to see firsthand that the school has some really great facilities, but there is one wing where the senior students are at the moment that really needs some work.

The minister took the time to visit and was able to see that firsthand. When I was advocating for Riddells Creek the minister did not let me down.

I would also like to say that the member for Kew paid a visit to Riddells Creek Primary School. It was one of the schools in my electorate that he visited. I am disgusted to tell you that, having visited this amazing school, he then went and issued a press release saying that all he saw was a culture of mediocrity in government schools. This is absolutely outrageous. This is from a man whose behaviour in this chamber is utterly boorish and who has been kicked out of this chamber more times, I believe, than any other MP. This is from a person who says, ‘You don’t want to over-think education policy’. He is the least-qualified person ever to hold the education portfolio. But Riddells Creek Primary School was fantastic.

Down at Gisborne Primary School \$10 million has been committed. Let me tell you about why I am really proud of this commitment. Gisborne Primary School is a very popular, high-achieving school in my electorate, but it is running out of room. The minister visited the school. He and I had a look, and he was quite alarmed to see that a school with a population of almost 500 children did not have a full-sized gymnasium. I am really pleased that the \$10 million will enable the building of a full-sized gymnasium at Gisborne Primary School. I will tell you why that is really important: because Gisborne is a growing community and we do not yet have sufficient indoor sporting facilities to meet the needs of my community. The full-sized gym will also be able to be used by the rest of the community, so this really is a great bonus for all of us.

The other school that I want to tell you about is in Romsey. I want to tell you a little bit more about Romsey in general. Romsey is home to the Romsey Redbacks, and the latest census data tells us there are 6124 people in Romsey. It is the fourth-largest town in my electorate. It has a higher population of 0–4-year-olds than the regional average, and within my electorate it has the highest proportion of high school-aged children. Parents in my community have been telling me that they think it is time for a high school to be built in Romsey. Currently students from Romsey go to up to 12 different high schools.

In this budget we did not do what those on the other side did when they were in power. I will tell you what they did: back in 2010 they went to the people of Romsey and said, ‘We will do a feasibility study’. They did a feasibility study, and then they did nothing. We will not be doing that. We have made a concrete commitment of \$3.2 million, which will enable the school in Romsey to

build the science and technology facilities that are necessary to support an extension of that school to year 9. This is an amazing outcome, and I really look forward to working with the community on that.

Also in Romsey, after years of agitation within the community I am really proud to announce that we are delivering a fix to the notorious Barry Street intersection. A roundabout will be built there. This is a great outcome, and it is all about improving safety in this township. This is on top of a range of other investments that have been made in Romsey, including some streetscaping works and almost \$400 000 worth of expenditure on Romsey Kindergarten, so a lot is happening in this community.

In addition to the roundabout, we are getting more pedestrian-operated signals in the main retail strip. They will complement the other pedestrian-operated signals that were built down near the primary school, so that is two sets of pedestrian-operated signals in Romsey delivered by the Andrews Labor government. As you can see, this is a budget that is really delivering for the communities in my electorate that need it most. We have made extraordinary investments in education.

I will take you through a couple of other announcements for my community. St Mary’s Primary School in Lancefield is near Chauncey Street, which is a pretty busy street that has been getting busier. I was really pleased to be able to announce that a supervised school crossing will be built at St Mary’s, and in Riddells Creek we are also upgrading the pedestrian crossing. I want to take the opportunity to thank George and Robyn Francescutti in my community, who for a long time have been campaigning for a safe crossing in the main street of Riddells Creek. I am sad to say that under the previous Liberal government they did make numerous representations to the former failed Napthine-Baillieu government, and their pleas fell on deaf ears. Under an Andrews Labor government we listened and we have acted, so I am very, very proud of that.

Our neighbourhood houses are so important to the social fabric of our communities and do such great work in our towns — and I might say, as a regional MP, that is particularly true in regional Victoria. This budget has delivered an increase in coordinator hours to four of the neighbourhood houses in my electorate. Now every neighbourhood house in my electorate has 25 hours of coordination time. I see the Minister for Police at the table, who is of course a former neighbourhood house coordinator herself — a person who knows just how important this social infrastructure is in our community.

I am going to tell you another story. I have lots of stories, but let me tell you this one. I want to talk a little bit about transport. Over successive Andrews Labor governments we have seen so many amazing improvements in our V/Line service on the Bendigo line. Indeed on our line under this government we have seen 38 additional services. Do you know how many were delivered under those opposite? Let me tell you: five. In four years, five services were added. We have had four years and added 38 additional services. We are still delivering, so it has been quite extraordinary.

There has been significant investment in our trains and in the seven stations that I have in the Macedon electorate for car parking, CCTV and so on. In this year's budget I am really glad to see the focus on small buses in our communities — the bus services that get people around town and connect them to other forms of transport.

There is a young man in my electorate whose name is Will Morris, and he is a graduate of the Sunbury and Macedon Ranges Specialist School. I met him first when he was a student. Will was working as a dishwasher at a pub in Woodend, and he lives in Trentham. He found it very difficult to get there because there was no public transport. He worked with the community, got a petition up and came to me. I asked the Parliamentary Secretary for Public Transport, the member for Yuroke, and she came and met with Will and met with board members of the community bank. We kept working; I did not leave it alone. I followed through, so can you imagine how thrilled I was to see that this is a government that listens. When you advocate on behalf of your community you can be sure of getting a good hearing, but even better than that: you will actually get action.

I am delighted that an improved bus service is being delivered for Trentham. There will also be additional services between Daylesford and Ballan, and I will be looking forward to talking to my community about some extensions to GisBus. GisBus of course is a service that was cut by that lot on the other side when they were in power. The former member for Macedon, my good friend Joanne Duncan, had to fight in this place to get those services restored after that lot cut GisBus.

They are some of the highlights from the budget for the people of my electorate. I think you would agree that it is a very fine budget for the people of Macedon. I note the shadow Minister for Emergency Services is in the chamber. No doubt he will join me in applauding the \$1.6 million that has been committed to the Mount Macedon Country Fire Authority brigade to enable a rebuild of their station — one that was burnt to the ground in the Ash Wednesday bushfires. As I said, I am

sure he will be appreciating that as much as the volunteers have appreciated the commitment of this government to provide them with the facilities and the resources they need to keep their communities safe.

I cannot finish without mentioning our absolutely magnificent commitment to make 30 TAFE courses free to enable young people and those returning to work to access training in high-demand occupations — training that will lead to jobs. Only a Labor government will make the investments in TAFE that are needed to ensure that those who want to pursue a hands-on career — trades and technical careers — will be able to access the skills they need to take those jobs. It is a consequence, I might say, of this government's very fine economic management. The economy is booming. Employment is booming. It is booming in regional Victoria. It is a magnificent budget.

Mr KATOS (South Barwon) (14:52) — I rise this afternoon to make a contribution on the Appropriation (2018–2019) Bill 2018. I might just start with some of the glaring omissions for the South Barwon electorate with regard to this year's state budget. There is absolutely no money whatsoever for the Barwon Heads Road duplication. It is a very much-needed project for the Armstrong Creek growth area; it needs to be duplicated.

Ms Neville interjected.

Mr KATOS — The member for Bellarine says it is about planning. She does not travel on it much. If she travelled on that road on a daily basis — I travel on it on a daily basis — she would know the desperate need for that duplication. With the growth of Armstrong Creek, and also for the suburb of Marshall, it is important to grade separate the railway line on Barwon Heads Road. There is a substantial bottleneck there which, with increased traffic volumes, is certainly causing issues. This is also obviously a benefit to people further down the road in Barwon Heads and Ocean Grove who also travel that road on a daily basis. There is no money to progress that project whatsoever.

As far as the rail duplication between South Geelong and Waurin Ponds, there are no dollars from the state government. The federal government has committed \$150 million towards that project, which is approximately half of the money, so the other \$150 million has gone wanting. There is no progress with that at all. Part of the duplication is to move the stabling out to Waurin Ponds near the old Boral cement works — another botched project of the Minister for Public Transport. In considering moving the stabling there from the North Geelong yard there were

approximately, from memory, about 10 sites available that could have been chosen. For some bizarre reason they chose the one site where the owner did not want to sell. Stan Larcombe, who owns that property, does not want to sell as the stabling yards would cut his farm in half. He has all his machinery and his house on the north end of his property, and the rail line would cut him off from his working farm, which would just be absurd when there are other options available. This minister can not only not deliver the duplication but cannot even get the stabling done.

Then there is of course the promise of fast rail, which the Labor Party has well and truly made before to the people of Geelong. I remember Steve Bracks in 1999 promised fast rail. For \$80 million we were going to get a 45-minute service. That blew out to \$800 million, and we have a service that is no faster than it was. When the Brumby government was defeated there was no difference in the service. I should correct that. I think it was 2 minutes faster. We spent \$800 million for a service that was 2 minutes faster.

We have had almost four years of this Labor government. I might contrast the activity in South Barwon over the last four years with the four years when we were in government. There has been some investment in upgrades to schools, but that is pretty much where the investment stops in the South Barwon electorate. There were new schools opened that were funded by the previous Liberal government: the Armstrong Creek primary school and the special school, and also Torquay North, which is now known as Torquay Coast Primary School. All the land was acquired and the funding was put in the budget for those schools by the previous Liberal government. Those three schools did open this year. Torquay North, from memory, was a year late. It was supposed to open in 2017 but did not.

Then there was another botched project, Armstrong Creek West primary school. The Labor Party made a commitment to build that in Unity Drive in Armstrong Creek in the Villawood development. According to Gayle Tierney, a member in the other place, who was quoted in the *Surf Coast Times*, it was to be built and operational this year. The land was acquired about a month ago, and the funding was finally put in the budget this year, which is quite a bit late. That school is not going to be ready until at least 2020. That is certainly a broken promise, because that school was promised to be operational in this term and has not been.

Then there are some of the roads. When we were in government we allocated \$12 million to duplicate the bridge over Waurm Ponds Creek and also to put in a set

of traffic lights at the intersection of Pioneer Road and Meadowvale Drive. Those lights were installed before Christmas, and as we speak they still have not been activated. For almost six months they have been sitting there and still have not been switched on. The local neighbourhood — those who live on Meadowvale Drive — have not been allowed to turn right onto Pioneer Road for six months. It is just absolute incompetence by the Minister for Roads and Road Safety; he cannot even get a set of lights switched on after six months sitting there.

Then there was a commitment from the government to upgrade Mount Duneed and Lower Duneed roads. The work still has not been started. The minister and the regional director of VicRoads said that that would be done in February of this year. They are still planning it; no work has been started at all. There is a significant crash history on those roads. Only earlier this week there was another accident. There have, from memory, been about 15 incidents in the last seven years, so there is significant crash history on that road. But we have seen no activity at all there.

The other one that was committed to by this government was a roundabout at South Beach Road and Surf Coast Highway, near the Surf Coast Secondary College. Again, they have not even put a shovel in the ground — nothing. There has been very little activity when you look at that.

Another one in Torquay: the Torquay Tigers Netball Club are looking for new clubrooms. At the 2014 election we made a commitment of \$300 000 to that project. They were successful in getting a \$100 000 grant from this government, but — wouldn't you know it? — they were ready to start the project and they were \$200 000 short. So they cannot really go anywhere at the moment; they cannot do anything because, as I have been informed, they need at least another \$200 000.

But then when you look at the infrastructure that was delivered in South Barwon electorate under the previous Liberal government, the Waurm Ponds railway station was approximately \$25 million, but it came in under budget — it was about \$22.9 million from memory. That one was delivered under budget and has been very much welcomed by the local community there in Waurm Ponds. The initial upgrade of Pioneer Road was done — \$5 million there — as were the noise barriers in Wandana Heights on the Geelong Ring Road. My predecessor treated the people of Wandana Heights with complete contempt when the ring-road was put in there — he gave them nothing. We made that commitment and they were done.

The Surf Coast Secondary College is I think probably one of my proudest achievements in Torquay. Again, the previous Brumby government said, ‘We don’t need a secondary college in Torquay’. The bureaucrats were saying, ‘No, we don’t need it. We’ll assess the numbers. No, no, no’. We made that commitment to the people of Torquay and built that secondary college — a \$37.5 million commitment, and that was delivered. Now that school is nearing capacity. The principal, Scott Diamond, does an excellent job at Surf Coast Secondary College, and the people of Torquay are very pleased to have that. There is a similar debate going on at the moment in Leopold, where the same sort of rhetoric is coming out that everything is going to be assessed, but we will see what happens there. The Grovedale early learning hub and Grovedale community centre were upgraded — a \$2 million commitment which saw those facilities upgraded with a new kindergarten and community spaces. The Torquay kindergarten was extended — a half-million dollar commitment there — which increased the capacity.

The Waurm Ponds police station and State Emergency Service complex on Rossack Drive — there was \$17.2 million in total there, which was very much welcomed by the local community, although it is not being staffed appropriately. The government actually cut the counter service at one stage, but they were embarrassed by the community outrage and forced to actually reinstate those counter service hours. But again, you have got a station that should have approximately 32 officers in it that is running, last time I was told, with about 17 or 18 officers, so there are not enough there.

In health we put \$118 million into Geelong hospital’s new wing, and we also put in a new helipad at Geelong hospital, which has freed up the old Swanston Street Primary School oval for future expansion of the hospital. That has been welcomed there at Geelong hospital, or University Hospital as it is known these days.

In sporting infrastructure the Torquay Bowls Club — a significant redevelopment of \$1.5 million; the Grant Pavilion in Torquay North — \$750 000 to put in that second storey there; the Torquay Tigers football club — another \$200 000 towards their new pavilion; South Barwon football club — \$200 000 for their new pavilion upgrades; and the same amount went to Grovedale football club and also Highton Tennis Club for expanded and new pavilions. Barwon Soccer Club is one of the biggest soccer clubs in Geelong. I think they have got a membership of about 500 at Barwon Soccer Club, but I will have to double-check my figures; that is the last figure I had. They received \$400 000 for brand-new clubrooms, as they were

literally running out of a tin shed. It was quite embarrassing. The tin shed is still there, but it is used for storage, which is probably what it should have been used for — not as a set of clubrooms.

As far as other schools go, there is also Montpellier Primary School, which up until the last redistribution sat in the Geelong electorate. That had been neglected by the previous member for Geelong for 11 years — not a cent spent at that school — and we were able to secure funding of \$4.8 million, which has seen a beautiful new two-storey wing built there at the school, which houses over 600 students. The member for Macedon was talking about having a school in her electorate with 520 students and no gym. I have got Bellaire Primary School in Highton to which we made a commitment of \$4 million at the last election; they do not have a gym either and they have got 620 students. So there is not a lot of equity when it comes to lines on the map with this government.

Other projects that we certainly funded include the Jan Juc Kindergarten extension. I was recently pleased to attend the opening of the Torquay North children’s services hub, which is the result of a \$1.6 million investment that we made. The Surf Coast Highway was also upgraded — almost \$5 million there to resheet the Surf Coast Highway. Previously it was a single carriageway, and they simply built the new duplicated part next to it, but they never actually fixed the drainage on the original road, so that was resheeted.

There was a new State Emergency Service (SES) station for Torquay near the old shire offices. There was \$850 000 to build that new SES station in Torquay, and a brand-new Country Fire Authority station was also built at Bellbrae, which was just under a half-million-dollar commitment.

I certainly hounded the former Minister for Sport, Hugh Delahunty, about the work that was needed at Mount Moriac Reserve for the Modewarre Football Club. I think he still has nightmares about that. I managed to get \$650 000 in funding for that much-needed project for a country community. Moriac is on the western side of my electorate, on the border of the Polwarth electorate. That was a \$1.3 million development, half of which was contributed by the Surf Coast Shire. When you have country communities like that —

Mr T. Bull — Very important.

Mr KATOS — Those sort of clubs are extremely important for those local communities, as the member for Gippsland East rightly says. They are the lifeblood

of a lot of country communities, so I was very pleased to do that.

Another project that has just started construction, even though we gave the money to the City of Greater Geelong in 2013, is the Armstrong Creek East health and community centre, for which \$7 million was given to the City of Greater Geelong. I could keep going with the things that we funded in my local area, but when you look at what the Labor Party has done in South Barwon, there has been very little activity at all. As I said, there has been some school funding — I cannot deny that. There have been capital upgrades to some local schools, but nothing of any substantial nature.

Mr Nardella — So you don't reckon schools are substantial?

Mr KATOS — Member for Melton, please — you have until September. I do not really want to hear from you again. If you contrast the investment in schools made by the Liberal Party in South Barwon with what has been made by the Labor Party in this term, it is day and night.

Ms KNIGHT (Wendouree) (15:07) — I want to start with an apology. I am really sorry that in the time I have available I will not be able to talk about everything that is great for Ballarat in this budget. But if you come and see me later, I will be happy to fill you in.

This budget provides such important investments in Ballarat's future. I am really proud to stand here today and talk about the Andrews Labor government's 2018–19 budget, the fourth budget, which is all about getting things done and investing in projects that make a real difference to Victoria. A little later I will be talking about how the budget impacts Ballarat and particularly the electorate of Wendouree, which I am so privileged to represent.

But every budget happens in a context. The good and bad decisions detailed in previous budgets inform how we should look at this year's budget. The first three budgets of the Andrews government are an important place to start when looking at this one. Previous budgets have provided big funding to the Mount Rowan campus of Ballarat, and construction is happening right now, making this great school an even better place for young people to learn. A new tech school for Ballarat was included in the 2015–16 budget, and students from across Ballarat are there right now, using the latest technology to learn.

Works are underway on the upgrade of the Ballarat train line, a project of more than half a billion dollars that will duplicate tracks and add passing loops. We

announced recently that expressions of interest are open for the \$100 million Ballarat GovHub building, which will be home to 1000 Victorian government jobs right in the heart of the Ballarat CBD.

Ballarat's upgraded Mars Stadium hosted another AFL game last weekend, and it was just fantastic. Construction is happening at the Ballarat sports and events centre. Construction is happening right now on the new 405-space car park in the Ballarat station precinct, which is just part of an exciting project that will absolutely transform a really decrepit and wasted part of our city that sits next to our beautiful heritage station. The new Ballarat catheterisation lab is providing life-saving cardiac treatments at the Ballarat Base Hospital. These are just a few of the projects that have been funded through previous budgets of the Andrews Labor government. Each investment has been outstanding for Ballarat, and each of these projects demonstrates the Andrews Labor government is all about getting it done.

But if we go back a bit further, it is a very different story. The time of the Baillieu and Naphthine Liberal governments saw a real attack on education in our city: \$20 million was cut from the University of Ballarat, the School Start bonus was cut and the education maintenance allowance was cut. This was an allowance that I used when my kids were at school that provided targeted assistance to low-income families with kids at primary and high school. Hundreds of thousands of dollars were cut from Ballarat Community Health's health promotion work, and ironically that cut may have been what cost the Liberal candidate for Wendouree a job at the time.

A look back at my speeches on the appropriation bills during the last Parliament makes for pretty grim reading, but this is a much more positive budget; in fact it glows. It builds on the terrific budgets that have been delivered by the current Treasurer, and it is a stand-out in terms of the benefits to Ballarat and my constituents in Wendouree.

It funds the biggest health construction project that Ballarat has ever seen — more than \$461 million to redevelop and expand the Ballarat Base Hospital. That will include a new state-of-the-art emergency department, a new day treatment centre, a new and much-needed acute mental health facility and an expansion of the intensive care unit. An upgraded Ballarat hospital will be great for patients, great for staff and great for our entire community. When this project is completed there will be thousands of additional surgeries completed and tens of thousands of additional patients treated each year. That kind of boost in

treatments will mean more nurses, personal care assistants, doctors, cleaners and maintenance personnel, and more administrative support so that our dedicated clinicians can spend time with their patients and not their paperwork.

In this bigger and better base hospital there will be an additional 1000 full-time equivalent ongoing jobs. With Ballarat Health Services' increasing focus on preventative health, I expect there will be more work in that space as well. A project of this size will take years to complete, and it depends on many skilled workers. There will be more than 1300 jobs in building our new base hospital. With 1300 jobs, that is massive. No matter how you look at it, it is a massive investment in Ballarat's tertiary hospital and it is great news for our city.

In terms of education, there have also been great investments in Ballarat's schools: \$3 million for Mount Clear College in the electorate of Buninyong, \$17 million for a new school at Lucas, \$4.5 million to expand Miners Rest Primary School in the electorate of Ripon and \$4 million to upgrade and modernise Ballarat High School in my electorate of Wendouree. This of course follows previous budget spends for funding to Delacombe Primary School, both campuses of Ballarat Secondary College — as I mentioned before — and Phoenix P-12 Community College. Each of the school investments in this year's budget will deliver learning spaces for kids in Ballarat that actually match the passion and dedication of our wonderful, wonderful teachers. They will be absolutely first class. I want to pay tribute particularly to the principal of Ballarat High School, Gary Palmer. His dedication to his students at Ballarat High is as strong as could be seen in any school principal in our state.

But education does not stop at secondary school. The more skills a person gets, the better their chance of getting a great job. This is where the contrast with the former Liberal government may be starkest. As mentioned before, they cut \$20 million from TAFE in Ballarat. The Andrews government is making it easier for young people to get skills in areas that are a priority for our state by making 48 TAFE courses free. This is an absolute game changer. These are courses that will lead to jobs — and they will be free. This applies to 30 non-apprentice courses, things like a diploma of nursing or a certificate III in concreting, and 18 preapprentice courses, like certificate II in furniture making or a certificate II in automotive body repair technology.

Of course the budget also contains funding for upgrades to Ballarat's beautiful Sturt Street to improve safety and

traffic flow on one of Ballarat's busiest roads. This project will improve parts of Sturt Street between Pleasant Street and Dyson Drive, with traffic lights at busy intersections, U-turn upgrades, and dual circulating roundabout lanes on the roundabout at the intersection of Sturt Street and Learmonth Street. Traffic on Sturt Street into the Ballarat CBD is growing, with great population growth to the west of Ballarat.

Lucas is a growing suburb, and with that growth we need to consider the infrastructure that will maintain and cater for a growing population. As I said earlier, the budget provides for a new school at Lucas, and these road improvements are part of making sure all parts of Ballarat keep being terrific places to live. This project is part of a massive boost to regional roads that will make a real difference to regional motorists. VicRoads has already undertaken significant consultation, with more than 1200 people getting onto the engagevicroads website. These upgrades will increase safety on Sturt Street, but there will be disruption during construction, and there will be new patterns of travel for some people once the project is completed.

It is my genuine hope that the Liberal candidate for Wendouree welcomes these important road improvements. I am concerned, however, that she will put safety aside to attack the Andrews government and VicRoads. Unfortunately she does have a track record of this, of arguing for increased risk to motorists in order to criticise the government. In order to improve safety on another section of this road, the City of Ballarat asked VicRoads to reduce the speed limit from 100 kilometres an hour to 80 kilometres an hour. The Liberal candidate for Wendouree, also a member of the Ballarat City Council, attacked the government and VicRoads for investigating this reduction in speed limits. She made these attacks after being formally advised of deaths that had occurred on the road and of the safety risks that come with high-speed travel so close to roadside trees. It is my hope that she approaches this important budget announcement with greater maturity. I hope she takes a greater interest in the safety of motorists in Ballarat than she has shown previously.

There are so many things in the budget that provide positive benefits for the people of Ballarat. The people of Ballarat are certainly going to see a huge difference. There will be major construction in Ballarat for years to come — and each of the construction jobs on those projects will be there because the Andrews government is determined to get things done.

I want to just touch on a couple of statewide initiatives in this great budget. In my role as Parliamentary Secretary for Human Services I have been doing some

work around elder abuse and aged care. I was very pleased to see a real effort in this budget to start tackling the abuse of older Victorians that is occurring too often in our community.

I also want to take this opportunity to acknowledge the amazing work that was done by the late Fiona Richardson, who was the Minister for Women and the Minister for the Prevention of Family Violence. Fiona was a huge advocate for making sure that elder abuse was part of the family violence story, that it was part of our drive towards the prevention of abuse of everyone. So often elder abuse is ignored, forgotten or seen as something that is about only financial abuse. Financial abuse of anyone, particularly older people who may be vulnerable, is of course abhorrent and should never happen. We must acknowledge that older women are sexually assaulted at the same rate as other women. There is an issue around prevention of suicide of older people. We must make sure that that is on our agenda — and this budget absolutely puts it on the agenda.

The Minister for Housing, Disability and Ageing's media release on this budget initiative reads:

The Labor government will invest \$6 million to tackle elder abuse by extending the trial of an integrated model of care — offering specialist clinical advice, family counselling and mediation services.

According to budget paper 3:

Community awareness events will also be held to increase community understanding of elder abuse as a form of family violence.

As I said, raising this awareness is central to reducing elder abuse in our community. It needs to be taken as seriously as family violence has recently come to be treated.

Part of this funding is also for better workforce training to identify and act on instances of elder abuse. This is something that I am sure all members will support. Often older people do not actually identify what is happening to them as abuse so, much like women who are in situations of family violence, sometimes there needs to be education, saying, 'Yes, this is an incidence of family violence' or 'Yes, this is an incidence of elder abuse'. There is money for this training, and I believe that Victoria is leading the country, if not the world, in this area — and I am very proud of that.

I was also very pleased to see significant funding in the budget toward public aged care. This is relevant to all parts of Victoria and will only become more important as our community ages. With Ballarat Health Services being Australia's largest provider of public residential

aged care, I think it has a particular relevance to older people in my city and the constituents, the people who live there, that I represent.

This is the final time I will speak on an appropriation bill — and it is a great note to finish on. This is a budget that builds Victoria and importantly also builds the capacity of our people. It is a budget about getting things done. I thank the Premier and the Treasurer for their fantastic support of the wonderful community of Wendouree.

Ms KEALY (Lowan) (15:21) — This is my fourth opportunity to respond to the budget for the electorate of Lowan. Unfortunately yet again it is a scenario where there is very, very little in it when it comes to the people of Lowan and other people who live in regional Victoria. On a number of occasions throughout today and in earlier responses I have heard that a budget defines the intentions of the government, that it demonstrates the priority of the government of the day. I think that we can clearly see then that when we have a Labor government in Victoria we see investments only in Melbourne projects, we see enormous waste and we certainly do not see any investment in the rural and regional communities and towns where we actually create the economic prosperity for the state.

It is exceptionally disappointing to see barely any investment in capital in the electorate of Lowan. Lowan is the largest electorate in the state. It is an area of approximately one-sixth of Victoria — about 40 000 square kilometres. I would argue that I have the largest number of public infrastructure buildings of any electorate — certainly any other Legislative Assembly electorate.

We have got 28 police stations. We know there is a law and order crisis in Victoria because Labor simply do not know how to manage what is going on. They are too keen to make it easier for people to be out on bail and to make sure that people out in the community are given a second, third, fourth or fifth chance, while people in their homes are terrified. They are absolutely scared. I have been told about people in my own electorate of Lowan who are terrified enough to be keeping a baseball bat in their bedroom. This is not a scenario that we want to see. We need to invest in our police services. We need to have more police on the beat rather than fewer police on the beat. We have fewer police out on the beat in the Lowan electorate because we now have the two-up rule, which has not been properly funded to ensure we have still got the same police presence in country Victoria.

We have 28 police stations. How many police stations did we get in this year's budget? Zero, none, not one. We have 28 police stations in an area that is one-sixth of the state of Victoria, but we did not get one new police station — not one new police house. This will not give any assistance at all to help recruit and retain police officers in our part of the state. Do you know what? It is just as important that we have investment in good strong police services in regional Victoria as it is in Melbourne. I commend our local coppers. They do an absolutely fantastic job, but they are struggling. They are really worried about how they can deal with the calls that come through.

We have had ridiculous situations in my electorate. I have been told that somebody who lives in Horsham — the largest city in my electorate — called up because they actually had somebody who was actively breaking into their home, and they were told, 'No, sorry; there are no police available in Horsham'. There had been an accident in Nhill, so there were no police on duty. I think there might have been a couple who had to look after somebody who was in remand so they could not leave the station. This poor elderly woman was terrified because she had to wait an hour and a half for a police officer to come. She had someone actively trying to break into her home — a home invasion — and there were no police.

The fact that we have got no police in a town the size of Horsham is a reflection on this poor management of law and order issues in the state of Victoria and the absolute nonsense you get from Labor — 'We are doing more; we have got more police than ever'. Look at the people on the ground. They are not happy. They are terrified in their own homes. That is your responsibility, being in government. If Labor will not focus on that and address the issues and only talk about them, maybe we need to have a change of government. That is certainly what we will be working towards for the election on 24 November.

I know that in my community even card-carrying Labor members have absolutely had enough of this city-centric government. They have had enough of not getting a fair share of investment out in rural and regional areas. They are looking for an alternative, and they are happy with what they see being provided by the National Party. This is obviously a big shift for many people. If someone has been willing to be a paid-up member of the Labor Party and then they come across to the National Party, which they have often been brainwashed against their whole lives, this absolutely shows the state of affairs when it comes to the Premier and his dirty old Labor government.

Let us talk about the Country Fire Authority (CFA). I have got 110 CFA stations in my electorate — 110. This is an enormous number. These are hardworking volunteers. I have not got one career firefighter in my electorate. They are all volunteers. They are absolutely aghast at what has happened over the payback to the United Firefighters Union (UFU) over some dirty backdoor deals that we do not know about. But we know there might be a TAFE now — Peter Marshall has let the cat out of the bag on that one.

Obviously the payback was to hand over the largest volunteer organisation in Victoria to the UFU — to a city-based union. That is an absolute disgrace, and it is certainly something that our CFA volunteers will be holding this Labor government to account for on 24 November, when they can actively help to make sure that the Labor government is out and make sure that they get a fair deal when it comes to presumptive cancer legislation and investment in our CFA stations.

They will make sure, for example, that we actually get an ultralight for the Gazette fire brigade. They do a fantastic job at Gazette. They were recently hit by the fires. The whole area surrounding the CFA shed was burnt out. They desperately need an ultralight to make sure they can get over some of the stony country and through the bluegum plantations in that area. We did not see any vehicles announced in this year's budget. It is an absolute disgrace.

How about we turn our eyes to health then? Perhaps Labor did better in health — but no. There are 17 hospital campuses in my electorate and three bush nursing centres, but there was not one dollar for any of those services to support the great work that they do. Labor simply do not care about the enormous gaps we have in health outcomes for country Victorians. We have the highest rates of heart disease, the highest rates of diabetes, the highest rates of obesity and the highest rates of five-year cancer mortality, and yet we see not one dollar invested into these services. You are creating an enormous gap between the haves and have-nots, who are the people who live in Melbourne and the people who live in country Victoria. This simply cannot be sustained.

We need to have a decent decentralisation policy that ensures that people who live in rural and regional areas are supported through their local services, but we also need to ensure that we can have some sort of way to get people to move out of the city and into the country. Sticking all your money, Labor, into the city is not going to benefit that. You are completely ignoring the needs of people within my own electorate of Lowan and the people within every single rural and regional

electorate across this state. We are also seeing Melbourne grow at a rate that simply is not sustainable. You cannot get across Melbourne quickly, whether it is by public transport or whether it is on the roads. We simply cannot continue this way.

Labor have not recognised that we have a population crisis in Victoria. Only the Liberals and The Nationals have a plan to get balanced population growth across the state. We need to invest in country Victoria, and we need to make sure that we do it in a way that is fair and responsible to each and every single Victorian, no matter where they live.

We did not see any announcements at all around improvements to public transport connections and particularly around bringing back passenger rail for western Victoria. If we go back and look at history, it was Keating's great idea. He had the fantastic 'One Nation policy' — a name that certainly would not get a run these days. Keating's idea of having a One Nation project was to standardise rail across the whole of the nation. Unfortunately it was not properly funded, so in our area we have standardised rail to Ararat and then broad-gauge rail from Ararat through to Ballarat, which caused the end of passenger rail services in my region. We need to get this project back up and running. We need to get rail services servicing the far west of Victoria. It is simply unacceptable if you look at a map of where the passenger rail services go, that there are no services to the west. It just does not make any sense.

I actually caught a train and a coach on Monday to come up to Parliament for the week. This journey is a 300-kilometre trip from Horsham to Melbourne. It took over 5 hours. It included a 50-minute wait for a so-called connecting service in Ballarat. The train was well and truly late. I had to cancel my next meeting. It was just an absolute shock to see how poor our services are when it comes to western Victoria. I have caught that train and that bus a number of times. This is not something that is foreign to me. Talking to the people who were on that service, they were in the same situation. We have got no choice; we have got terrible roads in country Victoria because Labor have neglected them for the past four years. We have got terrible public transport services because Labor have neglected that over the past four years. In fact if they have made any difference at all to roads or to our passenger services, it has been to our own detriment.

We have had cuts of hundreds of millions of dollars from the road asset management budget. We have seen slashing and scrapping of the country roads and bridges program, a fantastic program that we were strongly committed to, and The Nationals have committed to

continuing it if we are fortunate enough to form government come 25 November. We see a dud deal on roads when it comes to this year's budget. There has been lots of bragging about having a billion-dollar roads package — well, let us just break it down for a second. This includes a nearly 1.4 per cent increase to the road asset management budget on last year's budget — 1.4 per cent will not cover CPI. It will not cover the increase in salaries and wages for those road crews. It will not cover the increased cost of materials. It is basically like having a funding cut when you say you are only going to increase something by 1.4 per cent. This is not good enough.

It is not good enough for my people, who have to drive on absolutely substandard roads. It is not fair to have huge patches of bitumen ripped up off roads and not fixed. I have written to the Minister for Roads and Road Safety about a road. It was two years ago. He said he was going to fix it and talked about all this money he was putting into it — it was very similar to the rhetoric we have heard from the Labor government today about how great the budget is — and yet two years later there was nearly a serious accident with a school bus that had to run off the road because a B-double log truck was coming in the other direction. There could have been horrific loss of life. I put up a post on my social media pages and it went viral; it resonated with the people of country Victoria, because they know they have had a dud deal on country roads under this city-centric Labor government. They have seen it. They have experienced it. They have put their lives at risk when they travel through a pothole and when they drive over the crumbling edges.

They are frustrated by this extensive wire rope barrier program. They are being built on straight sections of road where there are no trees on the side, and yet you go through the winding areas of the beautiful Grampians National Park — areas where people have driven off the sides of the road and rolled down the hill; it is absolutely dangerous — and the government is not putting wire rope barriers there, in a place where they actually would improve safety for drivers. You look at this other new program, which is absolutely ridiculous, of putting rumble strips up the middle of the road on roads which are far too narrow and where the edges are crumbling. The Borung Highway between Dimboola and Warracknabeal is a true example of that. Trucks are now driving up the middle of the road because they either have to drive off the edge and onto the crumbling edges, further destroying the road and risking rolling, or they have to drive on the rumble strip, which absolutely sends anybody who has to stay on them insane. It is not good enough. Labor continues to fail country Victorians when it comes to true investment in roads.

I also want to mention the lack of investment in schools and education in western Victoria. We have got 60 schools in my electorate. We did, fortunately, get a little bit of money for five of our schools, which was great, but I rang up the principals on that day and there were more principals than not who had no idea that they even had a project that was up for consideration. They wanted to know. Their first question was, 'Well, Emma, what's the money actually for?'. They did not know. These are ideas that have come out of the blue. They have not been driven locally. They have not been going through the corrective action program, which is supposed to prioritise the schools most in need.

The biggest disappointment was that there was no funding for Baimbridge College in Hamilton, a school that had been promised by the department in a public meeting late last year it was going to get funding for its redevelopment. So when it came to the lead-up to budget week, they were supposed to have an architect come on site and get through their final design phase. That was cancelled with one day's notice. We then get to the budget and of course there is no mention of Baimbridge at all. They are yet to understand why, when they have been promised this money, it has not been delivered to this very important community and the only public high school in Hamilton.

There is a similarly ridiculous situation in Warracknabeal, where Labor have only funded half a school, so half of the special development school can relocate and half of the secondary college can relocate. It is ridiculous. We are going to have empty school buildings because Labor have not properly funded the school redevelopment program. When it comes to schools, when it comes to police, when it comes to any structural services, country Victorians continue to get a raw deal under this city-centric Labor government.

Ms GREEN (Yan Yean) (15:36) — I take great pleasure in joining the debate on this year's appropriation bill, the Victorian state budget. I think that when you stand up any time after a member of the National Party in opposition, it is like you are living in a parallel universe. For the member for Lowan to say that this budget ignores country Victoria is to ignore the facts. The National Party actually think that if they say it long and loud enough and in their shrill, shrieking voices, someone will actually listen and it might become the truth. It actually is a fact —

Ms Kealy interjected.

Ms GREEN — Member for Lowan, you are always very quick to jump to your feet and raise points of

order. You had your chance, now let me have my 15 minutes.

Ms Kealy interjected.

Ms GREEN — Acting Speaker, could you please silence the member for Lowan? She had her chance.

The ACTING SPEAKER (Ms Suleyman) — I ask the member for Lowan to not interject.

Ms GREEN — Thank you.

Ms Kealy — On a point of order, Acting Speaker. I thought there were comments made that were directed to me within the context of this debate. They clearly mentioned 'the member for Lowan', and I thought they deserved some sort of response. I continue to provide that. Perhaps you could provide some advice to the member for Yan Yean that if she does not want to get interjections from members on this side of the chamber, she should stick to the bill at hand and not call members names nor criticise or belittle them.

The ACTING SPEAKER (Ms Suleyman) — There is no point of order. The member for Yan Yean to continue on the bill.

Ms GREEN — The facts in this budget are that the capital spend is over \$13.5 billion. What the member for Lowan said today, and the member for Euroa said yesterday, that there is nothing for country Victoria, is utter rubbish. The spend in rural and regional Victoria is over \$4 billion. That is as much as the coalition government spent in each year across the state. Let me be quite clear, members of the National Party, the amount of capital funding being allocated in this budget in rural and regional Victoria is around the same quantum as the coalition government spent across the whole state. I am sick to the back teeth, as someone who grew up in rural and regional Victoria, of hearing the National Party sounding like they are martyrs. I know, because I grew up in rural and regional Victoria and I have visited a lot of communities in my role as the Parliamentary Secretary for Regional Victoria.

Let me tell members that I went to Donald High School and to Charlton College to see the conditions in which the students were learning. They are renowned schools whose students do very well at the year 12 level. I found that the conditions there were appalling. The physical surroundings in those schools were appalling, and I thought I had to get to the bottom of why the members who cover this area have not been advocating for them. Have they done anything about the conditions at those fantastic schools? Why have they not championed those schools and made sure that they have

buildings commensurate with the quality of the teaching and learning that are done there?

That was some six to nine months before Donald Trump was elected. When I looked through *Hansard*, there were more mentions of Donald Trump than there ever were of the township of Donald and especially Donald High School. Successive National Party members had done absolutely nothing. There was absolutely no advocacy for those schools. Whether you are in government or in opposition, you do not just sit back; you get in there and you champion. There was no championing by the National Party.

Ms Kealy — On a point of order, Acting Speaker. There has been some criticism of the National Party and their advocacy for education in Donald. The member for Yan Yean has failed to mention the Donald early years centre, which of course is a key priority for early learning in the area. Further, I have actually been to those Donald schools. I know Fraggie quite well. We are good mates. I think if you are going to criticise, you need to perhaps look at correcting the record on that.

The ACTING SPEAKER (Ms Suleyman) — That is not a point of order. I will let the member for Yan Yean continue on the bill.

Ms GREEN — I found that the only members of Parliament who had ever raised the conditions at either of these fine schools education-wise were two members in the other place, Jaala Pulford and Candy Broad. At no time in the history of *Hansard* have any members, except Labor Party members, raised in this place the conditions at Donald and Charlton. I will not be lectured to by the National Party.

The member for Lowan talks about health outcomes in regional Victoria. Where were her members when community health was cut, when women's health was cut in the previous budget, when health funding was cut by the federal government? I look forward to hearing the member for Lowan and the National Party finally start to stand up to their masters in Canberra and say, 'Give Victoria a good deal, and give country Victorian hospitals a good deal'. We hear this constant mantra that they use, with little violins playing: 'We are ignored by Melbourne'. That is rubbish. They are not.

The member for Lowan also said that this government had no population policy and that it only cares about Melbourne. Her leader, the leader of the coalition, did his political apprenticeship under Jeff Kennett. He subscribes to the idea of regional Victoria being Victoria's toenails. As Minister for Planning he did diddly squat for regional Victoria. He did diddly squat

for the northern suburbs of Melbourne. As planning minister he did backdoor, backroom deals for the dirty government he was part of — Ventnor, Fishermans Bend, you name it. All he was about was lining the pockets of developers and not providing any schools or hospitals, wherever they were.

We have a population policy. We have a jobs policy. We have grown jobs in regional Victoria and across the state. We have a booming economy. If you go to regional Victoria, you can barely get a bed at the moment in the tourism sector, because it is so full of workers in country towns building infrastructure funded by this government. One in seven jobs in Victoria has been instigated as a result of infrastructure investment by this government, and regional and rural Victoria is not being left out.

I have been to Ararat and I have met people there who have said, 'Sorry, I've got to go —

Ms Kealy — Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

Ms GREEN — This budget has a record investment in regional and rural Victoria, and the graphs show it. It has gone up. In our first year it dipped a little bit —

Ms Kealy — On a point of order, Acting Speaker. I am offended by the comments made across the chamber while a quorum was being formed. The member for Yan Yean clearly made a comment that I found absolutely appalling. It was gender specific. I ask her to withdraw because I know that it was heard by other members in the chamber. It is not appropriate for there to be any name-calling across the chamber. I ask her to withdraw immediately.

Ms GREEN — I ask for clarification. If there was no quorum, I do not think a withdrawal can be called for.

The ACTING SPEAKER (Ms Suleyman) — Members, if a member has heard or has felt offended by something that they —

Ms GREEN — I withdraw.

Regional investment has increased enormously under this government. The population policy for our government is that we cut payroll tax for regional Victoria last year to 50 per cent. It is an inconvenient truth for The National Party that we have actually reduced the impost on rural and regional businesses by more than any government has ever done. It was

reduced by 25 per cent last year and by 50 per cent this year. We have doubled it again and we have increased the threshold. That is how you drive investment and jobs in regional Victoria. You do not just have an afterthought of, 'We'll just throw everyone out there; that's the solution'. Rather than driving investment in regional Victoria and having regional Victoria be the backbone of your population policy, the population policy led by the coalition is that they will solve Melbourne's population problems by shifting people out there without considering what the job opportunities are. We do not take that approach.

In the Yan Yean electorate I am absolutely delighted with this budget. I represent an electorate that is outer suburban and rural in nature. It has been a very large beneficiary of this budget. We have seen additional train services on both the Hurstbridge and Mernda lines. I am pleased to report that the Mernda rail project is running six months ahead of schedule. Test trains will begin in September. There are new train services on the Seymour line. So all three train lines serving the Yan Yean electorate will have new rail services. There is a new FlexiRide bus service for all areas between Donnybrook, Beveridge, Wallan and Kilmore. There are additional funds for Yarrambat Park Primary School. I had the pleasure of turning the sod at that school in February, and now there will be additional funds so there can be better and larger facilities for that growing population. Diamond Valley College is to get additional funding for modernisation in addition to the funds that they got last year. St Helena Secondary College is getting a new stadium. The long-awaited Diamond Creek to Hurstbridge trail got \$4 million. We could not have funded it any earlier. We would have loved to. The community has asked us to fund it for many years, but it has not been shovel-ready until now, and now it has got that funding.

I was also pleased to announce following the budget that the Greysharps Road car park at Hurstbridge train station will be surfaced and get lighting and an upgrade. I want to thank Lois Needham in Hurstbridge for her persistence on that issue. We have got a \$1 billion road package for the northern suburbs and the duplication of Bridge Inn Road, which will be done together with stage 2 of the Yan Yean Road upgrade. We have got the Craigieburn Road upgrade, the duplication of High Street, Epping, right up to Craigieburn Road East. We have got duplication of Childs Road. We have got improvements in the Eltham and Templestowe areas on the boundary there. So there is \$1 billion for north-eastern roads and \$2.2 billion for suburban roads overall. That is in stark contrast to when the Leader of the Opposition represented Melbourne's northern suburbs before he scuttled off to the leafy east. As

planning minister he had a huge expansion of the urban growth boundary, massive population growth and zero dollars — doughnuts. There was nothing for Melbourne's roads and nothing for country roads either. This is a great budget. We are getting things done, and it has really upset those opposite because they know that when in government they do not.

Mr WATT (Burwood) (15:51) — Following on from the member for Yan Yean, the reason why this budget has got those opposite upset is that it is such a dud budget. There was a member of the Labor Party just recently — I cannot remember exactly which member it was — who said, 'The budget is an opportunity for the government to show Victorians what its intentions are and what its priorities are'. Very clearly, what this budget has shown is that this government's priorities are certainly not the Burwood electorate. I have looked through the budget papers. Here are the budget papers, for the people at home who want to know what they look like. They are the budget papers, all five books. I went through all five books. I went through budget paper 1. When I went through paper 1 I looked for some basic things. As a member of Parliament, when the budget is handed down you look through the papers, you go online, you do a search and you might search for, say, Ashwood, Ashburton — the suburbs in your electorate — Box Hill South, Burwood, Chadstone, Camberwell, Canterbury, Surrey Hills or Glen Iris. You look for your suburbs.

If anybody lives in those suburbs, I suggest you do not bother looking for your suburbs in these pages, because there are only two times any of those suburbs are mentioned. One is on page 58. It is not in paper 1, not paper 2, not paper 3 but in paper 4. Do not worry about paper 5, because we are not mentioned there either. If you go to budget paper 4, go all the way to the back, look up the suburbs and on page 163 the suburb Ashburton is mentioned once and the suburb Ashwood is mentioned once. If you go to page 58 of budget paper 4, Ashwood is mentioned. You will note that it simply mentions Parkhill Primary School. That is a finishing project, a project which the former Liberal government committed to four years ago. Four years ago that project was committed to, and we are finally seeing that project being finished. But there is no new money for the suburb of Ashwood and no new money for Burwood, Box Hill South, Canterbury, Chadstone, Surrey Hills or Glen Iris. But even worse than that is the suburb of Ashburton in my electorate.

The total funding in this year's budget for my electorate is negative \$20.88 million. In terms of money that was put in the budget last year for my electorate, \$23.38 million was put into last year's budget for my

electorate. This year the government has seen fit to rip \$20.88 million of that funding out of the electorate, so the total sum of funding available for the electorate of Burwood has been negative \$20.88 million. I do not know how many other members in Parliament could stand up in this place and actually say that their electorate has a negative benefit, or a loss, of \$20.88 million.

I come back to the comment that was made by a Labor member of Parliament that the budget is an opportunity for the government to show Victorians what its intentions are and what its priorities are.

Mr McGuire — On a point of order, Acting Speaker, the member asked: is there anybody in the house who can actually stand up and address this issue? Well, I obviously can. From the last time when there was the one —

The ACTING SPEAKER (Ms Suleyman) — Thank you. There is no point of order.

Mr McGuire — Yes, there is. There was a one-term coalition government that took out over \$80 million from Broadmeadows —

The ACTING SPEAKER (Ms Suleyman) — Please take your seat. There is no point of order.

Mr McGuire — and who was the minister —

The ACTING SPEAKER (Ms Suleyman) — Member for Broadmeadows, please be seated.

Mr WATT — Thank you very much, Acting Speaker. I was talking about this year's budget. If the member for Broadmeadows wants to tell me that he has had \$20 million ripped out of his electorate in this year's budget, that would be to say that a member of the government had \$20 million ripped out of their electorate.

What I would say is that what we have in my electorate — still — are two closed police stations. The Burwood police station has not been addressed by this government, and the Ashburton police station has not been addressed by this government. The government made commitments before the last election as the opposition. They made commitments around the Alamein train line; they did commit to 15-minute peak-hour services, which has not been fulfilled up until this point, and every time I have raised it with the minister she has shown no intention to fulfil that commitment. I do not see anything in this budget that would rectify that situation. I do not see the word 'Alamein' in any of these books either.

Compare and contrast that with the four years of the previous government. I just want to go over a little bit of history so we can show how badly the Burwood electorate has been treated in this budget. In 2011 there was \$360 000 spent on the embankment at Gardiners Creek, a \$5000 grant for Box Hill South Neighbourhood House, \$500 000 for the refurbishment of the Ashburton police station with the security upgrades there and \$300 000 spent on the Bennettswood Pavilion, and it was nice to be able to pop down to the Bennettswood Pavilion to see the brand-new facilities there on 7 April this year for its official opening. There was \$2500 in grants to all community kindergartens in my electorate in 2011. There was a \$49 500 Learn Local grant for Alamein neighbourhood house. There was \$2000 each to Glen Iris, Solway and St Dominic's primary schools for the eSmart cyberbullying program. There was a \$10 000 upgrade to security at Jordan Reserve.

In 2012 there was a \$10 000 community grant for Ashburton Primary School. Ashwood College, now Ashwood High School, got \$10.5 million. There were more funds for Learn Local grants. There was a \$43 155 community support grant for the Ashburton Neighbourhood Harmony Project. There were lights put in at Hartwell Reserve for \$45 000. There was \$300 000 towards the Surrey Hills Baptist Children's Centre, \$3 million for the Alamein line to be upgraded with sleepers and money for the redevelopment of the Ashburton library — \$515 000 at that point. There was \$1000 for Ashburton Bowls Club and the Ashwood Wolves basketball team. There was \$20 000 for Japanese language grants at Ashburton Primary School and \$3844 for Bennettswood Neighbourhood House to install ICT equipment and programs. This is all in the previous government — nothing in this budget. Keep in mind that in this budget this government has ripped \$20.88 million out of the Burwood electorate.

There was a \$5000 grant to the Craig Family Centre for the upgrade of the teapot kitchen garden. There was \$8000 for Power Neighbourhood House. There was a \$1200 grant for the Burwood War Widows and Widowed Mothers Association. There was \$1.5 million for the Riversdale Road level crossing. Actually that is just outside my electorate but nonetheless affects my electorate.

Traffic lights were installed at Through Road in 2013 along with extra Myki readers at Ashburton train station. There was \$9700 in grants to Ashwood College and Ashwood School in 2013. The W-class tram was replaced in Wattle Park in 2013. There was a \$5000 Streetlife grant granted to the Burwood Village Traders Association. There were VicHealth grants of up

to \$2500 for the 1st Hartwell Scout Group, Chadstone Synners disability teams and Harlequin Rugby Club. St Mary Magdalen's School received funding for students who are falling behind in literacy and numeracy in 2013. There was a \$40 000 grant to the Lynden Park Scout Group in 2013, a \$7200 grant to upgrade the veterans memorial at Wattle Park. This was all in 2013. Keep in mind that in this year's budget, seven months from an election, this government has ripped \$20.88 million out of my electorate. This is why I am contrasting this budget with the four years of Liberal government under Baillieu and Napthine.

There was \$3000 for Reserve Forces Day. There was a \$1000 grant for Camberwell Lacrosse Club for uniforms. There was \$90 000 to upgrade Solway Primary School. There were \$5000 Bully Stoppers grants for Hartwell Primary School, Wattle Park Primary School and St Scholastica's Primary School. Ashwood and St Mary Magdalen's parish schools received energy efficiency grants of up to \$10 000. There was \$3 million to redevelop the Ashburton Pool and Recreation Centre. I note the now Minister for Small Business turned up and took credit for the money that was actually invested when we were in government. He turned up to the pool for the opening and took credit for that, but nonetheless that was money provided by the former government. There was \$82 500 to replace existing cricket nets at Eric Raven Reserve, \$50 000 to install lights for Ashburton United Soccer Club at Watson Park, nearly \$8000 for the Wireless Institute Civil Emergency Network, and \$1000 grants once again for Surrey Park Netball Club, Mount Waverley Uniting Cricket Club and the Ashburton junior soccer club.

In 2014 there was \$8400 for a capital grant for Highgate Early Learning Centre. A graffiti removal kit was presented to Burwood Neighbourhood House. There were remedial works to repair damaged pedestrian access to the bicycle storage area at Ashburton train station. Works actually began on the deployment of protective services officers at Ashburton train station. There were more grants from VicHealth for the 9th Box Hill scouts, Ashwood Sports Club, Bennettswood Bowling Club and Camberwell Lacrosse Club. The library which we funded actually opened up in 2014. There was \$2.6 million for capital works at Solway Primary School.

On level crossing removals, the Burke Road level crossing, while outside my patch, affects the residents in my area. That was funded in the 2014 budget by the Liberals, with a Liberal Treasurer funding that particular project. We funded a Huntingdale Road milk bar graffiti solutions project. There were support

programs at Ashwood College and Ashwood School. Ashwood College's name has now changed to Ashwood High School; I will get back to that. There was \$900 000 for capital works for Ashburton Primary School. Surrey Hills Preschool got \$350 000. There were graffiti removal kits again; \$110 000 for maintenance at Wattle Park Primary School and \$35 000 in grants for a bunch of kindergartens.

Ashwood High, here we go: \$15.5 million over the last government — a \$15.5 million project for which I advocated very strongly. I was able to get that money, and thank you to the member for Nepean, who was able to come forward with that money as the Minister for Education. I saw that the current Minister for Education ran down to the school and pretended that it was a school that he built and the member for Oakleigh and the Labor candidate for Burwood rocked up to the school and tried to pretend that they had something to do with that money or the redevelopment of that school. The people in my community think it is an absolute joke that somebody who had absolutely nothing to do with that upgrade would rock along and try to pretend that they actually had anything to do with it, when they had absolutely nothing to do with it.

I find it reprehensible that those same people, some sitting on that side of the house, are presiding over a \$20.88 million cut in my electorate. When looking through these budget papers I find there is lots to talk about. We could talk about the budget overall. We could talk about the massive tax increases. Members on the other side say, 'This is truly a Labor budget'. Sure, it is truly a Labor budget, with debt doubling and with taxes going through the roof, even though the Premier promised no new taxes and no increase in taxes. That was all a lie. We just have to look at the 12 new taxes that have been introduced — 12 new taxes and debt doubling. We have a new point of consumption gambling tax, we have a new land tax surcharge, we have a new stamp duty surcharge, the fire services property levy has been increased, we have new city-access charges, we have new Uber taxes and we have had the tripling of royalties on coal. Promises were made that these things were not to happen. Strangely enough, all these things have happened.

At the same time \$20.88 million has been ripped out of the Burwood electorate. This budget gives us a negative \$20.88 million return. There are 88 members in this place, and I am not sure that any other member could stand up in this place and say their electorate this year has had a negative \$20.88 million invested in their electorate — more than \$20 million just ripped out of their electorate. I find that an absolute disgrace. I find it a disgrace that the people of Burwood have been

punished. They have been punished because they stood up to a government; they stood up to the Labor Party and did not vote for them. It is a disgrace.

Mr HOWARD (Buninyong) (16:06) — I am very pleased to be able to speak on this year's Andrews Labor government budget, a budget that invests in our community, with funding for our schools, hospitals and regional roads and support for local jobs. In starting my response on the budget let me just quote a little bit from the headlines, at least from the Ballarat *Courier* of last week when the budget came out. On budget day the *Courier* had become aware of the massive \$461 million — nearly \$0.5 billion — commitment to Ballarat Base Hospital. 'Massive budget windfall for base hospital' was the headline on the front of the paper on budget day. The following day, when they had further details on the fuller scope of the budget, the headline was 'Budget splashes cash on skills, roads, health', and they noted that the cops — as they called them in the paper — mental health, train users, state schools and regional roads were all big winners out of this budget. Those are not just my words; those are words out of the Ballarat *Courier*, not noted to be a particular supporter of the government, but it has been won over by this budget.

Let me just outline in further detail some of the significant benefits of the budget to the region that I represent in the Ballarat area as well as Moorabool and Golden Plains shires within the Buninyong electorate. Obviously, as I have already commented, the announcement of the massive \$461 million investment in the redevelopment of the Base Hospital is something that has excited so many people across our community. Last week, after the budget was announced, I was really delighted to attend the Base Hospital with the Minister for Health to celebrate this great investment. It was great to see the doctors, the nurses, the paramedics and the hospital support staff all very excited by this announcement, which more or less blew them away.

The hospital of course has gained significant funding under this government to develop both the cath lab and other facilities in the hospital. They are used to being able to plan for a modest upgrade in the hospital or a reasonable upgrade in the hospital and to seek funding from the government, but this massive announcement of funding will see them being able to complete their master plan knowing that everything they put in their master plan can be reliably funded into the future.

The specifics of this will enable the revamp of the Base Hospital, creating a new emergency department, a modernised acute mental health facility, an intensive care

unit, a women's and children's hub, an expanded critical care hot floor and at least an extra 100 inpatient beds.

The dated operating theatres will be replaced and fitted out with the latest cutting-edge equipment and technology. The critical care hot floor will bring together operating theatres, procedure rooms, endoscopy suites, consultancy rooms and high-dependency care so that the hospital will be able to work so much more effectively, seeing more patients come through. It is said that there will be 1000 extra full-time jobs created through this development at the hospital and 1384 additional jobs just in terms of the construction. This is great news not just for health care in our area but also for jobs, which will be provided in construction and in an ongoing capacity at Ballarat hospital, which of course is a massive employer in Ballarat. This is great news for Ballarat.

We will see 18 000 more emergency patients treated, 14 500 more inpatients each year able to go through the hospital and 4000 additional surgeries every year associated with that. For people who have been concerned that we are not meeting the needs of our growing region into the future, this demonstrates that this is clearly not the case. Those who are concerned that they might be waiting longer for surgeries should feel comforted that with this massive investment in Ballarat Health Services they will be able to get the health support they want in their region at a quicker, more reliable rate.

As I said, this adds to the \$10 million that was delivered for the new cardiac catheterisation lab, which was opened last year. The \$50 million boost in this budget for the Regional Health Infrastructure Fund is going to be of great benefit to the region and again shows that this is not a Melbourne-centric budget, as some of those in The Nationals will try to have you believe. This clearly recognises that regional Victoria has its place — not just Ballarat but regional Victoria more broadly — through the Regional Health Infrastructure Fund and through other funds that I will talk about as we move along.

Perhaps I will go straight to roads, because roads is one of those other issues that is clearly of concern to regional residents who often have to travel some kilometres every day, whether it is commuting to work, taking children to school, doing local business or having freight transported from their business. This budget allocates \$941 million to get on with the job of improving our state's regional road network. Exciting to me in addition to that is the \$17.4 million announcement saying we are going to establish a separate section of VicRoads, the Regional Roads Victoria section of VicRoads, which will be dedicated

to better planning, maintenance and advocacy for the state's regional roads. This centre is to be based in Ballarat. That is great news for regional Victoria overall in terms of opportunities to see regional roads identified as a key area under this government and also in terms of the jobs that will be supported in my region as a result of Regional Roads Victoria being based there.

Regional Roads Victoria will oversee \$333 million for resurfacing, rehabilitation and maintenance of regional roads. In addition to the record maintenance spend on roads, the \$100 million for fixing country roads will give regional councils a boost too. That \$100 million will be put not just into the state-controlled roads but also towards supporting councils in their work in fixing the roads they are responsible for. It is great for regional Victoria to see that the Andrews Labor government is committed to extensive investment in our regional road network.

In my electorate \$22.5 million is currently allocated to road work that either has just been completed or is underway, and that includes the \$4 million upgrade of the Pykes Creek Reservoir Bridge. Some people might be irritated at the moment as this bridge is currently being strengthened, but it will provide a much better route to Melbourne to ensure that as we continue to have trucks and heavy vehicles on that road, it will meet the needs of all of those who use the road into the future.

There is also \$12 million for new overtaking lanes on the Midland Highway between Meredith and Bannockburn — again perhaps irritating to those people who are using the Ballarat to Geelong road at the moment, but they know that in just a few months they will have a much better road with four new overtaking lanes on that section.

There is a \$2.4 million upgrade of the Gisborne Road–Holts Lane intersection presently underway in Bacchus Marsh, and \$3.4 million is going towards the Halletts Way upgrade, which is nearing completion in Bacchus Marsh. There is over \$1 million for road resurfacing on the Western Highway, Ballan; Midland Highway, Buninyong; Old Western Highway, Anthonys Cutting; Ballarat–Carngham Road; Mount Clear–Sebastopol Road; Main Road near Sovereign Hill; and the intersection of Main Road and Eureka Street, Ballarat, as well as \$79 000 that was spent to seal the rough shoulders on Hertford Street, Sebastopol, between Albert Street and Alfred Street, including outside Phoenix P–12 Community College's Redan campus.

We are also planning for the future, investing in options for roads. I will be at a consultation next week with regard to road development to help better traffic flow

around Ballarat–Buninyong Road and around Buninyong, and also in the Bacchus Marsh and Sebastopol areas. There is lots of planning going ahead to see improvements to those roads. I am sure we will hear more about that later in the year.

In regard to education, people know that as a former teacher education continues to be a passion of mine. This budget delivers \$3 million to complete the secondary stage of the Mount Clear College major upgrade, which is underway at the moment. That is great, and the college was so appreciative to have the Premier and the Deputy Premier out at the school recently to make that announcement. Previously we announced \$2.4 million for the school, and modernisation of the tech wing is currently underway. This additional \$3 million will further enhance that school. This is absolutely fabulous news, and it adds to the contribution we previously made to the school in establishing the earth sciences centre and the language centre, which was established under the Rudd federal Labor government. The people in Mount Clear and those associated with Mount Clear College know that the school has gained great attention. It is great to see that the school, led by Lynita Taylor, will continue to be able to provide the great programs that they are planning for and continue the great work that they do for the students there.

This of course adds to and completes the sweep of funding that has been allocated under the Andrews government to the other secondary schools in my electorate. Phoenix P–12 Community College gained funding in the last two budgets for its extensions. The renewal of that school is exciting to see. The same is true of Ballarat Secondary College's Woodmans Hill and Mount Rowan campuses. They have gained substantial funding to redevelop and complete stages of development in their schools, and they are very excited about that.

This adds to the exciting suite of activities the Andrews government has undertaken in the education area. Ballarat Tech School opened this February, providing inspiration to our secondary school students across Ballarat with its high-tech capacity, great teachers and great programs that are underway in that new facility. I am sure they are going to inspire our younger students to want to go on in those science, technology, engineering and maths areas, which is really necessary. It is great that we are partnering with 15 local secondary schools, industry and community leaders to identify priorities in technical education to see that the tech school will function well.

There are other things I wanted to talk about, but TAFE is something that I really have to talk about. There is inspiration within the budget, like the Head Start apprenticeships program that says, ‘What we want to do is ensure that there is a nice flow from secondary school into those trade areas and into those apprenticeship-type areas and into other areas where students within the school environment will be able to start some of the certificate programs that might be appropriate to their learning pathway’. That is going to be a great thing, as will be the significant increase in our contribution to TAFE.

This government has been committed to TAFE. It recognises that it is so important not just to see that students have a pathway if they are academically inclined to go on to university but to recognise that for job requirements in the future we need people who are technically trained. TAFE and registered training organisations can provide that, and to provide the significant increase in funding for that area is going to be so important.

What this government then focuses on is jobs and seeing that there are going to be more jobs. In terms of our public transport system we continue of course to construct the X’Trapolis trains in Ballarat. With the 30 new X’Trapolis trains there is a \$130 million investment in jobs in Ballarat. We will see improvement in our public transport system in the Melbourne area when the X’Trapolis trains are being run, and we will see jobs with high technology and skills being practised in Ballarat. This is a great advance.

I strongly support this budget. It is a great budget for jobs, education and health and for so many other reasons.

Mr D. O’BRIEN (Gippsland South) (16:21) — I would be pleased to rise to speak on the budget if I had nice things to say. My mother always told me, ‘If you do not have anything nice to say, do not say anything at all’, but unfortunately for the fourth year in a row I do not have much opportunity to say nice things about the budget. The member for Buninyong talked about roads, and I think that is probably the best place to start to rebut arguments about what this government has done for roads — and country roads in particular.

The particular issue that the member for Buninyong touched on is the issue of whether this government supports country Victoria or whether it actually just thinks that regional Victoria is Ballarat, Bendigo and Geelong, which is certainly how it looks from my view. There is no better example of that than the country roads and bridges program, a \$160 million program run

by the previous government. There was \$40 million a year for the 40 rural councils, and it was a really good program. It gave \$1 million to each of those rural councils. In the case of South Gippsland shire that was about 20 per cent of their capital budget, so that was a huge boost to getting their roads and bridges fixed.

What happened when the Andrews Labor government came to office? It scrapped that program. Despite the fact that it wasted \$1.3 billion on not building a road, it could not find \$160 million for the country roads and bridges program. This budget comes along finally, six months before an election — and, I might note, about three weeks after the Liberals and Nationals committed to reintroducing the country roads and bridges program — and the government brings in the Fixing Country Roads Fund. There is an idea! Why didn’t we think of that? Again, this is where the delineation is between us and the government. The government still thinks that regional is more important than rural. It decides with this Fixing Country Roads Fund, a pale imitation of the country roads and bridges program, that it will be available for regional cities as well. Their new fund — \$100 million for only two years — includes the regional cities as well, versus the Liberals and Nationals, who have a genuine commitment to fixing local roads with \$160 million over four years for the 40 rural councils.

I might note the other regional road spending that the government has been crowing about since the budget. Having cut the roads maintenance budget by 17 per cent in its first year, having failed to renew it in its second year and having put a little bit more in its last year, suddenly when there is an election coming do they address the issue of the poor state of our roads in country Victoria? Do they say, ‘We need a long-term plan to fix it’? No, they do not. They put in a panicked allocation of funds for one year only, after having cut the budget in the first four years. It is barely catching up with what should have been done. That is the approach that we get from this government when it comes to rural and regional Victoria. It is a government that simply thinks that regional means Ballarat, Bendigo and Geelong. That is fine for the members in those seats, but for those of us who live outside the regional centres and outside the tram tracks we actually acknowledge that there is a bigger part of Victoria than just the areas that this government focuses on.

I want to talk a little bit about the disappointment in my own electorate of Gippsland South — although, as I said, you would like to be saying good things. The first thing I will mention is the Princes Highway duplication between Traralgon and Sale. This is a project that has been going on since about 2009. It is a 50-kilometre

section of highway that has been duplicated. It has been funded by both federal and state, both Labor and coalition governments, so it has been a bipartisan project. We are into the final two funded stages now. They are being built as we speak, and they will be finished by about this time next year.

We needed out of this budget the final two stages of the whole project — that is, funding for the stages at Kilmany and Sheepwash Creek to Flynn. We needed \$33 million from the state government for this. This project has been funded 20 per cent by the state and 80 per cent by the commonwealth, so we needed that funding. Where was it? Zip, zero, zilch. There was nothing in the budget for this project despite the fact that, as a result of that, this project will now come to a screaming halt and the people of Sale and East Gippsland, who have been putting up with roadworks for the last 10 years, will be forced to endure more for longer now because this project has been put off. This is despite the fact that the government actually allocated funding for final planning works last year. They have actually done the work, but they have not funded the project, which is just bizarre.

It is made even more disastrous by the fact that my federal colleague Darren Chester, doing the job that he is there to do, has delivered for his electorate through the federal minister, Michael McCormack. They announced this week on Tuesday night \$132 million in the federal budget as the commonwealth contribution to this project, which is now going to sit there and wait because the Andrews Labor government has failed to fund the Princes Highway duplication. That is the first thing.

Then there is the rebuilding of Foster Primary School. I tabled a petition earlier this year for rebuilding the Foster Primary School. It was built in 1965. It is full of asbestos. It is falling down. It is not fit for purpose. It needs to be replaced. I had over 1 100 signatures on that petition from a town of only about 1 500, so there is significant community support for that. It is not funded in the budget. Then a week later we get this announcement about buildings to replace asbestos buildings in schools and Foster Primary School is getting \$1.7 million for these drop-in buildings that will be built offsite. I do not have any issue with that. We all support removing asbestos where possible, but \$1.7 million will not rebuild the whole school — that will cost about \$4 million. Why not just rebuild the whole school? We are going to be left with problems. The whole school is in a state of disrepair, and this is a silly decision.

Likewise, there is stage 2 of Korumburra Secondary College. We hear lots of talk over on that side, and we

heard it again in question time this morning, about zeros. A member for Eastern Victoria Region in the other place, Harriet Shing, has been to Korumburra. Guess what she was doing? She was opening the first stage of the Korumburra Secondary College redevelopment that was funded by The Nationals in government. My predecessor Peter Ryan —

Mr Richardson interjected.

Mr D. O'BRIEN — No, it was actually the third secondary college he did in his term; they are not rare at all. We hear a lot of rubbish from the other side about how there was no schools funding by the previous government. It is actually not true, but here we are. Stage 2 needs to be finished. Yet for four budgets now we have had nothing from the Andrews Labor government for the Korumburra Secondary College — again, despite strong community support for it.

I was seeking additional train services to Sale — again, nothing for that. I was seeking something — please, some planning, a business case — for a dedicated Gippsland rail line. We have got the regional rail link for Ballarat, Bendigo and Geelong, but again Gippsland misses out. The most recent figures for V/Line performance on the Gippsland line for Bairnsdale is 47 per cent punctuality. That is less than —

Honourable members interjecting.

Mr D. O'BRIEN — Well, we could go into all these sort of things. You want to go back 40 or 50 years —

Honourable members interjecting.

Mr D. O'BRIEN — Oh, we can just make noise now. Labor has been in government for 14 of the last 18 years.

The DEPUTY SPEAKER — Order! The member for Gippsland South, I would encourage you not to respond to interjections.

Mr D. O'BRIEN — The Minister for Public Transport, who is the minister at the table, wants to talk about 1993. How about you look at 2018, Minister, and do something about the shocking performance on the Gippsland line — 47 per cent! And I might add —

The DEPUTY SPEAKER — Order! The member for Gippsland South, through the Chair.

Mr D. O'BRIEN — The minister at the table is now saying, 'We are doing something'. This time last year — in April last year — the minister announced that they had

a project funded and ready to go for the Gippsland rail revival — ‘Funded and ready to go’, she said.

Ms Allan interjected.

Mr D. O’BRIEN — No, you go back your media release, Minister. Funded and ready to go. On 30 April — where are we? — we have seen nothing. They said, ‘We are going to fund it. We are going to announce it. We are going to be big heroes in Gippsland. We going to save you by doing all these things’. But then they say, ‘By the way, Darren Chester and the federal government, you’re actually going to pay for this. We’re actually going to get you to pay for it all’.

So this is another failure. The dedicated Gippsland line through Melbourne has been completely ignored by the minister and this government. She is very happy to do it for Bendigo, Ballarat and Geelong, but again Gippsland misses out. The people of Gippsland know this. I saw the Premier’s Facebook post being pushed a couple weeks ago with a video of all the wonderful things he was doing.

Mr Richardson interjected.

Mr D. O’BRIEN — No, he was using taxpayers money again, member for Mordialloc, to promote his own stuff. That’s fine. I had a look at some of the comments underneath. The comments were not good for you — a lot of the comments were coming from the electorate of Morwell and they did not like what the Premier had to say, because they do not trust this Premier, and that is no surprise.

The DEPUTY SPEAKER — Member for Gippsland South, I would encourage you to address the Chair.

Mr D. O’BRIEN — Thank you, Chair. I am very passionate about Gippsland and I get very frustrated at the lack of attention it gets from this government.

I mentioned the reintroduction of the country roads and bridges program. I have made a commitment already for a new fire station at Mirboo North. We need new stations at Mirboo North, Foster and Yarram, and yet again nothing in the budget for fire stations. That is from my electorate’s perspective, and what a disappointing budget it was.

I might go now to my portfolio areas, particularly with respect to sport, because this I think is where we have seen one of the most egregious aspects of this government’s budget, that is, the cosy deal the government has done with the AFL. It announced \$225 million to the AFL’s Etihad Stadium — a

19-year-old stadium, I might add. It is 19 years old and we are going to spend \$225 million to renovate it. That might have something to do with the fact that it is a 7 star hotel and a columnless ballroom so the Premier will have an uninterrupted view of the Brownlow Medal when he gets invited to it — but \$225 million is for the AFL.

Honourable members interjecting.

Mr D. O’BRIEN — I hear the interjection about women’s sport, but I will not take it up, Chair, because that would be disorderly. When we talk about women’s sport, the government knew it had a problem with this announcement so it tried to say, ‘And there’s lots of money for suburban and women’s sport’. Let us have a look at it. There was \$225 million for the AFL. We have got \$13 million for stage 2 of the Moorabbin Oval redevelopment. We have got \$10 million for Casey Fields and Whitten Oval for the AFL Women’s (AFLW). There is \$2 million for infrastructure upgrades for AFLW clubs, and \$20 million to redevelop Ikon Park as the home of women’s football. So again it is all for the elite level AFL clubs.

Mr Foley — No, it’s not.

Mr D. O’BRIEN — It is. It is exactly. I can tell you. In total there is about \$440 million in the budget for sport and yet two-thirds of that budget goes to the AFL or elite level sport — Rugby League and A-League soccer. I am sure that every member in this chamber could think of dozens of projects in their electorate that could use the support at grassroots level to actually support the kids, the women and the men who are playing football, netball, cricket, hockey, soccer, gymnastics — any of the sports that need our support — and yet this government is giving \$225 million to the AFL, the wealthiest sporting organisation in the country. You talk about being the party of social justice. How is that social justice? There are the clubs I have visited in the very brief time that I have been the shadow Minister for Sport. Kings Park in Seymour needs a redevelopment. The Carrum-Patterson Lakes Sports Club needs a redevelopment. The Cora Lynn Football and Netball Club needs support. And in my electorate, there is the Nyora Recreation Reserve.

These are little clubs that need an upgrade. I could not believe it when I saw Kings Park. Literally there is a door from the bar straight into the toilets and showers, so when the blokes are having a shower at the end of the game and everyone else is in the bar having a beer, they go into the toilet, open the door and there are the blokes having a shower. Not surprisingly the women do

not use those facilities either because they are not going to do that. So this needs a redevelopment, and my good friend the member for Euroa has already made a commitment or I went up there with her and made a commitment to upgrade that facility at Kings Park.

This government is more interested in the AFL than it is in these grassroots sports. The Premier will get his invitation to the Brownlow — that is fine and we understand that that seems to be his priority — but he will not be getting invited back to places like Seymour or Cora Lynn or Nyora, because this government has got its priorities all wrong. I think we have actually got Daniel Andrews sitting up in his ivory tower saying, ‘Let them eat cake’. He will be there with the AFL, with all his buddies, getting ready for the 2057 grand final, which apparently is going to be held at the MCG. Most of us will not be around for that, and any idea that it would not have been at the MCG anyway, what a joke that was! What a red herring that was — ‘Oh, we have extended the grand final at the MCG for a further 20 years’. In addition, as part of that dodgy deal, the government is giving a free kick to the AFL in terms of land at Docklands — a free donation of land at Docklands for the AFL’s headquarters. So this is a government that has got its priorities totally wrong. It is ignoring country Victoria and it is ignoring grassroots sport because it is more interested in an invitation to the Brownlow.

The DEPUTY SPEAKER — I would remind members to refer to other members by their correct titles during their contributions.

Ms ALLAN (Minister for Public Transport) (16:36) — I am just delighted to rise to speak on the 2018 budget bill — the appropriations bill — and to talk about what a fantastic budget it has been for Bendigo and central Victoria. I will also touch on the initiatives relevant to my portfolio area.

Deputy Speaker, I am sure you will appreciate that we want to start in Bendigo, and it has been a great budget for Bendigo. Indeed the front page of the *Bendigo Advertiser* the day after the budget talked about the initiatives in the budget as ‘building Bendigo’, and certainly that is true. This budget laid down the foundations for the next wave of investment in big projects — the big projects that Bendigo needs to attract jobs, to support education, to diversify our economy and to breathe new life into the CBD of Bendigo. Of course we have a bunch of projects that have come to a conclusion — the investments in our schools and the soon-to-be-concluded stage 2 of our big, beautiful, new Bendigo Hospital — and so what we are doing in this year’s budget is laying down the

pipeline of the next generation of projects that will bring construction jobs into our city but also jobs in terms of the initiatives that they support into the future.

The first project I wanted to touch on is that massive \$59.9 million of investment in revitalising the McRae Street campus of Bendigo TAFE. You and I know so well, Deputy Speaker, the journey that Bendigo TAFE has been on. It was almost brought to its knees under the former government. The savage cuts that were inflicted on Bendigo TAFE under the former government saw it face many challenges. You and I spent a lot of time with Bendigo TAFE during that period of 2011 to 2014.

Honourable members interjecting.

Ms ALLAN — We did not cut funding to TAFE. It is interesting. We did not cut funding to TAFE. What we also saw during that period of time was that the former government required a merger between Bendigo TAFE and the metropolitan-based Kangan Institute. That brought with it some challenges, but we are pushing through those challenges, and I would really like to thank the Minister for Training and Skills in the other place for the way she has backed our TAFE in Bendigo.

We recently opened the \$7 million food and fibre centre at the Charleston Road TAFE campus, and of course that was a key election commitment. We are going to be busy now as we work with the TAFE on the development of how they realise the master plan for the delivery of the \$59.9 million investment in TAFE. This is a terrific announcement. These new buildings, and it is not just the buildings, will help accommodate those students who are getting access to free TAFE courses under the priority TAFE courses — the 30 extra TAFE courses that have been funded in this budget as well. It is a terrific budget for education; it is a terrific budget for TAFE, and we are thrilled with the way it has been supported in Bendigo.

Of course there are also the schools in our community, particularly in my electorate, such as White Hills Primary School, which is literally bursting at the seams. It has been provided with money for master planning. There is a further \$2.17 million for the next stage of works at the Spring Gully Primary School.

But going back to the work that is being done in central Bendigo, this budget is a big vote of confidence in Bendigo, and there are those initiatives that sit alongside the TAFE campus revitalisation that are about revitalising the heart of Bendigo. I was pleased to join with the member for Bendigo West on budget

morning in Hargreaves Mall, where we announced the \$16 million of investment going into the GovHub, which is going to provide 70 construction jobs during the construction phase. This is going to bring over 1000 workers into the heart of Bendigo, consolidated in one place. Whether you are accessing a government service in Parks Victoria, in planning, in economic development or you are wanting to access services and advice from the local council, this GovHub becomes a one-stop shop. But also it brings, as I said, over 1000 workers together under one roof — 1000 workers into the heart of the Bendigo CBD — which will help further support the associated retail and hospitality industries that sit around the Bendigo CBD. I would particularly like to thank the City of Greater Bendigo and acknowledge the work we have been able to do with them on this project.

There is also money for land purchasing around the new law courts for Bendigo. In last year's budget we provided the planning money, and that planning work has been ongoing. This year's budget provided the funding for the land, and we want to see that work continue as we push towards a new law court for Bendigo. Again, this will further revitalise the heart of Bendigo as we modernise the court, which is really important for people who are seeking to access justice outcomes. If someone is a victim of crime, it is about getting them better facilities to be supported through their court processes, particularly family violence victims. This is a really important family violence initiative, and we look forward to continuing to work with the Attorney-General on the realisation of new law courts for Bendigo.

There are other initiatives for Bendigo that I would like to touch on. There are more bus services for the Junortoun community. We have been working with the Junortoun community for some time to provide more buses for them, and that will also include additional bus services to places like Axedale in this growing part of Bendigo. There is planning money for further roadworks, again in the Junortoun area, on the McIvor Highway between Harley Street and Bennetts Road and on the Bendigo–Redesdale road as well.

The Mitiamo water supply project receives \$10 million, and I would like to acknowledge the work of the Minister for Water on this. It is a great project. I note that the funds that we had hoped to see come from Canberra were not in this week's federal budget. We want to see these funds because this is a joint federal-state project, and we will continue to work on that with Canberra as well.

There is \$5 million for the Healthy Heart of Victoria program, which is a really important and strong initiative that has been developed from the ground up with our regional partnerships.

I also want to make mention in the local Bendigo context of the payroll tax deduction in this year's budget. Over the last two budgets we have seen the Treasurer cut payroll tax for regional businesses by 50 per cent. At 2.425 per cent in regional Victoria, we now have the lowest payroll tax anywhere in the country, and that is a great boost to our local businesses. It helps them become more competitive, it helps them employ more people and it helps attract more people to our wonderful regions in regional Victoria. So it has been a very strong budget for Bendigo and central Victoria.

I did also want to touch on a couple of areas in my portfolio, and I will stick to the regional theme for a moment. This budget continues the tradition that has been laid down in our last three budgets of investing in regional rail. We have been heavy investors in regional rail. I can say on the way through that we needed to be because we were faced with the situation when we came to office that V/Line was on its knees. It had had \$120 million of funding cuts inflicted on it by the Liberal-Nationals government. They had a secret plan to sack 100 people from the organisation that they cooked up but did not make public ahead of the 2014 election. We had to stop these things and rebuild and revitalise V/Line, and that is the work we have been doing. This year's budget continues those efforts.

The regional rail revival package of works has been further enhanced and supported, with \$313 million to upgrade the Shepparton line. This of course builds on the funding of \$43 million for stage 1 of the line and additional services. Last year's budget delivered the funding needed to return five daily return services to the Shepparton community. This year's budget has gone so much further. It has been able to provide the further work that needs to be done as part of stage 3 to deliver nine return services to Shepparton. This is the amount of money that will see work progress on this initiative. I was in Shepparton last week, and it was a great opportunity to meet with representatives of the local community and talk to them in greater detail about this initiative.

I must say I cannot talk about our initiative in Shepparton and our \$313 million investment, which builds on the \$43 million in last year's budget, without reflecting on the appalling effort by the Liberal and National parties, which short-changed Shepparton with their paltry \$77 million offering to the Shepparton

community. They had gone out there a week before the budget — I bet they thought they were as clever as clever — and said, ‘We’ll put \$77 million out there, and we’ll talk about eight return services to Shepparton’. Well, what a dismal failure. What a betrayal of the Shepparton community.

When the Liberal and National parties were in government they had two ministers sitting at the cabinet table purporting to come from Shepparton. Not once did we see an improvement in their train services during that period of time. The Liberal and National parties only talk to country communities about country rail improvements in an election year, when they want their vote. That is the only time they show an interest in country rail. A week before the budget we saw an investment of \$77 million being promoted by the Liberal and National parties as solving all of Shepparton’s woes. What a massive short-changing of the Shepparton community that is.

It was interesting to see a member for Northern Victoria Region in the Council, Wendy Lovell, write in the *Shepparton News* on 27 April 2018 that:

... the Liberal pledge of \$77 million is a generous amount to deliver this much-needed infrastructure.

Well, goodness me — what a let-down from a local member. We will continue to push on and deliver the infrastructure, services and work that is needed to get those nine daily return services for the Shepparton community.

I said I would stick on the theme of regional rail. There is money for more services to Seymour. Indeed there is \$10.8 million for extra services to be shared between Wyndham Vale and Seymour. That becomes part of the more than 600 additional regional services we have added to the V/Line timetable during our time in government — a massive increase in services to reflect the big jump in the number of passengers using our V/Line services.

We have also provided \$130 million for track and signalling upgrades across Maryborough, Ararat and Ballarat. We had to reopen the line to Maryborough and we had to reopen the line to Ararat, just as we had to reopen the line to Bairnsdale. This is the work we have had to do to fix up the mess left by the Liberal-Nationals government, and we are going further and making the investments that are needed. We do the work and make sure we invest the right amount of money to get the outcomes that are needed. That is the work that is being done, and around the Ararat area it is work on the Ballarat line stage 2 upgrade. The Ballarat

line stage 1 upgrade is well and truly underway. It is great to see the work along that line.

There is money for new stabling and maintenance facilities on the regional network. Why do we need to build more stabling facilities? It is because we have been buying more trains. Our first three budgets funded 87 new train carriages. We have got to put them somewhere. We have got to have the appropriate stabling. That is why we need these funds to stable those trains. There is also money to finalise the design and procurement of a new, modern regional train. Of course that includes the work that needs to be done to have the trains ready for the north-east line. I mentioned rolling stock earlier today in this place. As I have just said, we have invested \$850 million so far. There will be 87 new carriages and there is money in this year’s budget for the additional stabling facilities to house these new trains.

Compare that to this other offering that is being run around regional Victoria by the Liberals and Nationals, this promise of new trains. Again, they have not done the work. It is an empty promise. It is short-changing regional communities. They forget that to run new trains, to run the VLocity trains to places like Bairnsdale, Warrnambool and Shepparton, you have actually got to upgrade the track as well. You cannot just plonk new trains on a track that is not fit to take those new trains. This is the record of those opposite. In government they never had their head around the public transport area and they never had their heart in regional rail.

Well, we do; we absolutely do, and we will continue those investments in regional rail — and also in metropolitan rail. Unfortunately our time is running out here this afternoon to talk about some of the initiatives in metropolitan Melbourne where we are continuing our work. That includes the work on a new light rail connection between Caulfield, Monash and Rowville. I think we will be having a bit more to say about that in the future as well. There are funds of \$12 million for the new South Yarra station. It was great to join Neil Pharaoh there a couple of weeks ago, talking to passengers about that investment. There is \$60 million for car parking and \$89 million for extra services. I could go on. I am very proud of this year’s state budget.

Mr WELLS (Rowville) (16:51) — Thank you, Deputy Speaker, for the opportunity to speak on the budget. I was going to go into a number of issues but I cannot help but point out things to the previous speaker, the Minister for Public Transport. She talked about fixing up the mess and about others not having their hearts in public transport. I wonder what the situation

was when we came to government in 2010 when it came to regional rail? Their great flagship, the regional rail, had a \$500 million shortfall. This was for the train that was going to go between Bendigo, Ballarat and Geelong into Spencer Street.

What could you possibly forget when you are doing such a multibillion-dollar contract? They forgot to add money for the signals and they forgot to add new trains for the regional rail. There they were building this brand-new rail system to run into Spencer Street, and they had no new trains. How absurd that you would sit down with Treasury and your cabinet to tick off this brand-new big project and that you would forget to add the cost of the signals — hundreds of millions of dollars. One of the first things that we had to deal with when we came to government was fixing up the mess left by the previous Labor government.

Mr McGuire interjected.

Mr WELLS — It was \$500 million that we had to find to make sure that regional rail was going to go ahead.

Let us move on to what I want to talk about. The first thing that we need to address is whether or not the Treasurer has credibility, that the budget papers have credibility and that there is integrity in what he said on budget day. The budget is supposed to be a true and fair assessment of the state's financial position. It is also supposed to be fully authorised and supported by the Department of Treasury and Finance, that in fact everything in the budget papers is true and based on fact, not political spin and rhetoric. If the Department of Treasury and Finance has been compromised and starts playing the role of supporting the government of the day in propaganda and untruths, then the Department of Treasury and Finance has a credibility problem.

The point I want to raise is on page 10 of the Treasurer's speech, where it says:

Speaker, every Victorian has the right to feel safe in their communities and in their homes.

In the past 19 years, 7000 additional police officers have been funded — all of them under Labor governments.

That is factually incorrect, and I do not understand how the Department of Treasury and Finance have actually allowed the Treasurer to put something like that in the budget speech and have authorised that that is true and fair. It is just blatantly wrong, and for Treasury and Finance to support what the Treasurer has said also leads to a credibility problem.

Let us just go to the facts. It is true that in the run-up to the 2010 election Labor promised an extra 1700 new police. There is no question about that, so I support that fact. I also support the fact that they had a budget of around \$600 million in the 2010–11 budget. There is no question that \$600 million was put aside to fund the 1700 new police. What they conveniently forget is that we made a similar promise. We made a promise running up to the 2010 election that, because there were ongoing increases in crime, we would make a significant increase in police and also put protective services officers (PSOs) on the train stations. What did the then Labor government call the protective services officers? Plastic police. They had no time for them; they had no support for them. They supported police, but they had no time for PSO policies.

When we came into government in 2010 we had the writedown of the GST and stamp duty. It is very clear to see that where we had promised 1700 frontline police and 940 PSOs we had them as a budget item. The issue then became: how do we actually fund those police? The situation was that when the GST was written down in February 2011, the writedown of GST and stamp duty was \$8.3 billion, so the \$600 million that had been put aside in the 2010–11 budget by the previous Labor government was wiped out. There was no funding for the promised police because there had been a writedown of \$8.3 billion in the GST and also the amount of stamp duty.

With that massive writedown over the forward estimates period the \$600 million was completely eliminated. The funding of the 1700 police and the 940 PSOs was fully funded by the Baillieu-Napthine governments between 2010 and 2014. They are the facts. They were the financial and economic decisions made by the Baillieu-Napthine governments that fully funded those 1700 police. In fact, although the promise was for 1700 police, the actual delivery in that four years was 1900 police and it was closer to 1000 PSOs, so we actually overdelivered on what we promised in 2010 — and they were all funded by the Baillieu-Napthine governments.

Another issue I would like to raise is that of accuracy in regard to the Treasurer saying:

... Victoria is the safest it's been for a decade ...

I am just wondering again why Treasury would allow the Treasurer to write something which again is factually incorrect.

The shadow Minister for Police, Ed O'Donohue, has based his figures on not just Liberal Party figures or National Party figures. They actually come from the

Victorian Crime Statistics Agency, which was set up by the previous Liberal-National government. The reason we set it up was that we did not trust Labor. We could not trust Labor on crime stats. We saw what the chief commissioner did. He selectively released a number of crime stats running up to 2010, so we made an election commitment that in order for Victorians to have true and fair crime stats there would be a Victorian Crime Statistics Agency. The shadow Minister for Police has released a significant number of stats to disprove what the Treasurer has said.

The SPEAKER — Order! The time set down for consideration of items on the government business program has arrived, and I am required to interrupt business.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

APPROPRIATION (PARLIAMENT 2018–2019) BILL 2018

Second reading

Debate resumed from 9 May; motion of Ms ALLAN (Minister for Public Transport).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

LIQUOR AND GAMBLING LEGISLATION AMENDMENT BILL 2018

Second reading

Debate resumed from earlier this day; motion of Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

RULINGS BY THE CHAIR

Member conduct

The SPEAKER (17:01) — I wish to respond to a point of order at this point in business. On 1 May and on Tuesday this week, the member for Lowan raised a point of order seeking that I investigate reports of an incident involving two members of the house, which occurred outside the house. The circumstances have been aired in the house, and in fairness to those members I do not intend to repeat them to the house. I committed to coming back to the house in due course. Members are aware that the standing orders give the Speaker the power to assess and sanction members' conduct inside this chamber. Those powers do not extend outside the chamber, whether that is elsewhere in this building or in the community generally.

Presiding Officers have various legislative responsibilities, but investigating members' conduct is not one of them. If the house wants to give me or another body such powers, it is a matter for this house. However, I do have a role in ensuring the smooth conduct of business in the chamber and so, in response to the member's point of order, I undertook to speak with members involved to see if a resolution could be reached. I can report to the house that I met with the members for Clarinda and South-West Coast together, and that discussion was constructive and considerate. The members reached resolution on the issue, and the member for Clarinda apologised to the member for South-West Coast for any behaviour that the member for South-West Coast found offensive. I want to thank the members for the respectful manner in which this matter has been resolved.

Mr Morris — On a point of order, Speaker, obviously this is off the cuff, and I have not had any opportunity to consult, but I can think of at least one incident in recent years where there was an altercation between two members, which in fact occurred outside the precinct altogether. That matter was referred by the Speaker to the Privileges Committee and dealt with in that manner, so I think there is an opportunity there — not that I am suggesting that we need to go down that path, but just in terms of the advice that you provided about matters outside the chamber, I think that will need to be clarified.

The SPEAKER — The member is correct. I am happy to come back to the member with an explanation of the way in which I have come to the ruling that I have just provided.

Business interrupted under sessional orders.

ADJOURNMENT

The SPEAKER — The question is:

That the house now adjourns.

Medicinal cannabis

Mr T. BULL (Gippsland East) (17:03) — (14 352) My adjournment matter is for the Minister for Health, and the action I seek is for her, or her office, to contact the Pendergast family of Bairnsdale in relation to explaining how they go about accessing the medicinal cannabis trials for their son, Connor. Connor suffers from drug-resistant epilepsy and has very severe seizures. His parents, Shane and Linda, have been advised that, due to the increasing severity of these seizures, there is a chance that one may prove fatal. This is obviously extremely upsetting and daunting for these parents.

Shane advises that they have been told by their doctor at the Royal Children's Hospital, Dr Simon Harvey, that he believes Connor would meet the criteria for the cannabis trials. However, the family is having trouble accessing details on the trials, including who to contact and how to go about having their son, Connor, considered for the trial. I therefore ask the minister if she can make contact with the Pendergast family to discuss the situation with Connor and provide them with the advice that they require.

Kambrya College

Ms GRALEY (Narre Warren South) (17:04) — (14 353) My adjournment matter is for the Minister for Women, and the action I seek is that she visit Kambrya College and meet with the female students and their teacher, who are studying women's history and the feminist movement. I am sure the girls would love to meet her, and I know that they would enjoy hearing about her journey in the labour movement and beyond to undertaking her present role as Minister for Women. I know all at Kambrya secondary college will make her feel very welcome.

Koo Wee Rup Primary School

Mr PAYNTER (Bass) (17:05) — (14 354) My adjournment matter is for the Minister for Education, and the action that I seek is for the minister to intervene in a matter that is currently with the Department of Education and Training in relation to Koo Wee Rup Primary School. Minister, the primary school was burgled on 19 February this year, and six new high-tech multimedia television screens, still in their boxes, were stolen. These had just been delivered to the school and were waiting to be installed. We believe there was forced entry, and we have photos which clearly illustrate this claim. Unfortunately the police report did not reflect this view; however, the report does clearly state that a burglary has taken place.

The department of education, however, claims that this type of burglary is not covered under their current insurance policy and will not submit a claim. We believe that this is absolute nonsense and that quite simply the department is reluctant to pay out the full amount for the screens or pay the excess for the claim. This stalemate puts the school in a situation where they cannot move ahead with the significant upgrades to their digital technology resources that had been budgeted for and planned for in advance. The entire school community works hard to set aside funds and plan for this type of investment, and the burglary was very bad news indeed. The news has been considerably worsened by the subsequent refusal by the department of education to reimburse the school or even submit an insurance claim. This attitude from the department is an absolute disgrace. The hardworking school community should be supported, not treated with disrespect by a government department. I urge the minister to intervene and force the department to reimburse the school in full without further delay. Koo Wee Rup Primary School deserves to be treated better than this.

African-Australian community

Mr PEARSON (Essendon) (17:07) — (14 355) I direct my adjournment matter to the Minister for Mental Health, and the action I seek is that the minister convene a meeting between me, his department, Professor Janet McCalman from the University of Melbourne and local African-Australian communities to discuss opportunities to improve the mental health and wellbeing of members of this community.

Polwarth electorate school buses

Mr RIORDAN (Polwarth) (17:07) — (14 356) My adjournment matter is for the Minister for Public Transport. The action I seek from the minister is an

immediate meeting with Public Transport Victoria (PTV) to discuss the anomalies, disruption and heartache the current school bus system is causing across regional Victoria and across the electorate of Polwarth. A new system and method based on the needs of families and students is needed. The public transport system should be used to enhance the opportunity for students to get to school, not to implement the bus coordinator's extensive knowledge of Google Maps.

Schools are also suffering and being forced to prop up the public transport system. Small isolated schools in my electorate with fewer than eight bus runs are not compensated for the time and effort required to manage the cumbersome school bus system. It is the principals of small school who, instead of teaching students and planning for their needs, must harass parents for payments, reroute buses when inclement weather affects roads and find parents when children take the wrong bus home.

Currently in Polwarth I have a school bus program that is forcing parents to split their children up and send them to different towns — miles apart — for their education. One family in particular, who have refused to comply with the nonsensical rulings from PTV, have found themselves being called by the school principal and told that their year 7 daughter needed to be picked up from the police station rather than her being able to join her siblings on a safe bus trip home. Frustratingly I have been trying to organise a meeting with PTV officials since November last year, with no success. I raised this issue in an adjournment debate in June last year, yet nothing has changed. In fact the situation continues to get worse.

Broadmeadows electorate microfinance model

Mr McGUIRE (Broadmeadows) (17:09) — (14 357) My adjournment request is for the Minister for Small Business. The action I seek is that the minister's office meet with the representatives from Nobel Peace Prize winner Muhammad Yunus's organisation Grameen to discuss the benefits to Broadmeadows of the microfinance model as the beginning of a social business initiative for Australia. The proposal offers increased training, mentoring and self-employment where it is needed most. The Grameen Bank model of microfinancing has helped transform the lives of more than 300 million people in more than 50 countries, including developed economies like the United States of America. Grameen Australia is offering the chance to create local jobs for local people, increase participation and empower high-potential women and youth to work and thrive.

Grameen America's microfinance program was successfully established in 2008 when the global financial crisis led to the downfall of financial giants like Lehman Brothers and Bear Stearns. A decade later Grameen have identified a parallel in what they describe as, and I quote, 'the disturbing and unconscionable conduct' revealed in the 2018 Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry. I quote from them:

These findings have the potential to create even greater risk aversion across the financial services industry, which means it won't be the big end of town that loses out, rather banks will further shy away from small business lending and from financially empowering people whom are migrants or lack the credit history, due to perceived risk. The impact on those in our society who are most disadvantaged will be hazardous.

The chief executive officer of Grameen Australia, Katrina Dunn, said in her proposal to me:

Not only will it be harder to connect people to the economic value-chain, it will create even more social and economic hardship for those already struggling to make ends meet. The future social consequences of this are indeed concerning.

Social enterprises allow people to use their creativity, skills and knowledge to alleviate poverty. They establish a new kind of capitalism featuring altruism and generosity. I have twice had the honour of meeting Muhammad Yunus and discussing how his strategy could be implemented in Australia with Victoria as the leader. He is challenging young people, businesses, political leaders and citizens to embrace this new style of capitalism to improve opportunity and the essential Australian value, a fair go for all.

Social enterprises help people change their mindsets as well as giving them better opportunities so they can move from a welfare or charity mindset to economic empowerment. That can be initiated through the help of mentors and microfinancing, helping people to be job creators, and hopefully over time they can become employers themselves. This is how it can form a virtuous circle, alleviating poverty, providing jobs, building businesses and, most importantly, building better futures.

Cycling infrastructure

Mr HIBBINS (Pahran) (17:12) — (14 358) My adjournment matter is for the Minister for Roads and Road Safety, and the action I seek is that the minister invest more in cycling infrastructure. When it comes to bikes, last week's budget was the same old news: stuff-all for cyclists yet again. Less than 1 per cent of new transport infrastructure spending was for bikes, and what was in there came about because the Greens

pushed for more bike funding in negotiations with the government.

We all know good cycling infrastructure is absolutely essential to a livable city, and as a commuter cyclist who regularly rides into Parliament I know how difficult it can be to find a safe route, whether it be down Chapel Street or down St Kilda Road. I also know how good it is to ride for health and for our environment and just how affordable and convenient it is. Yet we have been let down by a seemingly anti-bike Premier who offhand dismisses cycling projects because they might not be good for cars.

Honourable members interjecting.

Mr HIBBINS — Members might want to familiarise themselves with comments regarding the St Kilda Road bike lane over the years.

This government voted down our mandatory 1-metre minimum passing distance proposal, putting it out of step with all other states in Australia. They released their very underwhelming cycling strategy with very little fanfare in the new year, with no commitments to any new routes apart from trying to greenwash one of their mega toll roads. This comes on top of years of neglect from the previous Liberal government, who of course cut the bike budget to zero.

The Greens have a strong record of delivering better bike infrastructure, particularly at the local government level through our local government councillors. It was something I was particularly passionate about when I was on Stonnington City Council. In fact it is local councils that are doing the heavy lifting when it comes to bikes, investing more than the state governments. It is time for the state government to step up and start investing in better bike infrastructure. It can start with separated bike lanes along our most dangerous routes: St Kilda Road in the Prahran electorate, where those separated bike lanes have seemingly been stuck in development hell for years; Sydney Road in Brunswick; Flemington Road in North Melbourne; and no doubt many other projects that are ready to go.

I have got no doubt that dollar for dollar on almost every measure bike infrastructure stacks up better than any other transport infrastructure investment. If we are going to make cycling safe and get more people cycling, especially women, who are under-represented, and if we are going to get the benefits of reduced congestion and better health to as many people as possible, then it is going to take some serious commitment for some better bike infrastructure. I urge the government to act.

Glen Eira College

Mr DIMOPOULOS (Oakleigh) (17:14) — (14 359) I wish to raise a matter for the Minister for Education. The action I seek is that the minister again visit Glen Eira College to open the major upgrade to the school, which was promised, funded and delivered by this Labor government. When I say funded, I mean \$10.1 million. Do you know how much capital funding this great school received from the Liberals? I will give you a guess. It starts with a zero and ends in a zero. That is right: nothing.

I was out there recently with a member for Southern Metropolitan Region, Minister Dalidakis, and Labor's fantastic candidate for Caulfield, Sorina Grasso. The upgrade looks amazing. Glen Eira College is not in the electorate of Oakleigh; it is actually in the electorate of Caulfield. Imagine my surprise when I read that the member for Caulfield said last week in this chamber that in four years there had not been one dollar for any school in his electorate. He did it again yesterday. He said, and I quote:

There is no love for any of my schools ... there is certainly nothing when it comes to the electorate of Caulfield.

I wonder if the member for Caulfield needs a GPS or maybe a compass. The Minister for Education knows where Glen Eira College is. He was at the sod turn. I know where it is, and Labor's candidate knows where it is. But it is not just Glen Eira College. We have provided \$290 000 to Glen Huntly Primary School, which is in both the Caulfield and Oakleigh electorates because it goes over Grange Road. Then we have provided \$5.46 million for St Kilda Primary School in this very budget, a school that is also in his electorate. We have also just funded variable speed signs outside Glen Eira College at a cost of \$135 000, again in his electorate.

It was not just on schools that the member seemed confused. In reference to Glen Eira he said, and I quote:

There is no money for local sport ...

...

The Caulfield Bears at Koornang Park do not even have proper change rooms and women's facilities. We talk a lot about encouraging more women in sport ... and there is nothing — zero — in terms of funding for them as well.

In Glen Eira we have just announced \$2 million for Murrumbeena Park and there have been upgrades at Duncan Mackinnon Reserve, but my biggest surprise was his comment about Koornang Park. I wondered if I had dreamt it, but I could swear that I was at the Caulfield Bears six weeks ago to announce that this

government will upgrade the very facilities he spoke about — a \$400 000 project in partnership with Glen Eira which is 25 per cent funded by this government. I checked my Facebook, and there it is — announced on 20 March. It was also in Glen Eira's local news and on the Caulfield Bears Facebook page. It was pretty much everywhere. I was not dreaming it.

I am a little concerned that the member for Caulfield might not be very connected with his community. It is either that or he is reading into *Hansard* the lines given to him by the opposition leader's office without bothering to fact-check them. Either way it is a bit sloppy. You are not entitled to make up your own facts. This government has funded schools in the Caulfield electorate. I look forward to the minister's visit to Glen Eira to see the upgrade Labor has delivered. In the meantime, I will try to dig up a compass for the member for Caulfield.

Standing Tall program

Ms BRITNELL (South-West Coast) (17:17) — (14 360) My adjournment matter is for the Minister for Education, and the action I seek is for Heywood & District Secondary College to be able to use some of the unexpected government funding to fund their Standing Tall program. Heywood & District Secondary College was given \$600 000 in the state budget, presumably for building maintenance and repairs. Shortly after the announcement I rang the school and was told that, while the money was welcome, it was a complete surprise and they had no idea it was coming and had no detail on what it was to be used for.

The principal, Glenn Kane, then raised with me the possibility of spending some of that money to fund the Standing Tall program, which has been a huge success at the school, helping to re-engage students who are at risk of abandoning their education. He said to me that there is no point having a building if the students are unable to be engaged in functional education. Standing Tall is working and making sure students are re-engaged. Being able to allocate this money would of course require the department's approval. The results of this program speak for themselves, and I would be happy to provide the minister with the data the school has given me to show just how worthwhile Standing Tall is.

Standing Tall matches carefully selected and trained community volunteers with at-risk junior school students. The volunteers have a one-on-one hour-long session every week, which can involve talking, playing cards, cooking, undertaking activities or whatever the

mentee chooses, as well as regular group sessions that focus on issues pertinent to the students involved. This program is working, and one example I will share is of a female student who, in the 12 months prior to entering the program, recorded 72 misbehaviours. Since entering the program at the beginning of this year, she has recorded no misbehaviours.

Students involved in the program have also taken on leadership roles in the school and in the community, and rather than walking away from education and slipping through the cracks they are now engaged and planning for future careers in various fields. Some of these students are facing some heavy situations at home, but this program has given them a reason to come to school. It has provided them with someone who believes in them and, most importantly, someone to talk to.

Teachers say that this program has turned their work from dealing with crises and just getting these kids through the day to actually educating engaged young people. I note that the government has flagged a rollout of the Compass program across the state, but I hope it would not replace the well-established Standing Tall program, which is getting real results in Heywood, Warrnambool and, in the member for Lowan's electorate, Hamilton. The program relies on community fundraising to continue, but rather than risk it going by the wayside Heywood & District Secondary College want to put some of the money they received from the budget into this program to ensure it continues. They know its value, they know it works and they have seen the results. Minister, please consider this and give these kids in Heywood the opportunity they deserve to succeed.

Nillumbik Shire Council

Ms GREEN (Yan Yean) (17:20) — (14 361) My adjournment matter this evening is for the Minister for Local Government. The action I seek is that Local Government Victoria meet with Nillumbik Shire Council to seek information on each of the projects that have been funded through the Growing Suburbs Fund and to look at the council's capacity to deliver on these projects.

The member for Eltham and I were extremely pleased to welcome the Minister for Local Government to the netball at Diamond Creek, the usual Saturday morning hangout for the member for Eltham and me, where the minister announced funding of \$7.7 million for Nillumbik shire out of this fabulous fund. There was \$2.8 million to build a new netball pavilion, \$1.2 million for pedestrian crossings at the rear of

Diamond Valley College to connect into a future Diamond Valley trail, and \$800 000 for the pavilion at Eltham Central Park, the home of the Eltham Panthers, where I know the member for Eltham loves hanging out. There was \$416 000 for female-friendly facilities at Marngrook Oval and \$2.5 million for the Diamond Valley Netball Club for a stadium there.

Since then we have seen very little activity at all from the council. The member for Eltham and I were concerned in the lead-up to the applications. We had numerous meetings with the council to try to get these things into shape. Their number one priority was not shovel-ready and indeed is only shovel-ready now, so that could not be funded. We have then seen the Diamond Valley Sports and Fitness Centre redevelopment, which the member for Eltham and I recently attended a meeting with council on to seek information on progress. We called the meeting because we were concerned that we had heard council officers were saying that in fact there were no new courts to be built as part of stage 1, only offices. We have since convinced them that they need to build courts, but I will hold up a copy of the plan that Nillumbik shire has. They have not even drawn up a proper plan some six months after getting this funding. It is a bit of crayon and a ruler. It is just a disgrace.

Since then we have discovered that the pavilion that is supposed to be built for netball on the banks of the Diamond Creek cannot be built because of flood issues. As if any local government authority in this area would apply for funds and not be aware of potential flooding! It is just a sick joke. Another one of their applications was for the Hurstbridge Basketball Stadium. They claimed there were 19 000 users per week at that stadium. Of course that one did not get up. What this council are doing is an absolute joke, and we are not sure that they can deliver anything on these projects.

Responses

Ms ALLAN (Minister for Public Transport) (17:23) — The member for Polwarth raised a matter for me that is not in my area of portfolio responsibility. It needs to be raised with the Minister for Education, and I will forward that matter to the Minister for Education for his action and response. The remaining nine members raised matters for various ministers, and they will be forwarded for their attention and response.

The SPEAKER — Order! The house now stands adjourned.

House adjourned 5.24 p.m. until Tuesday, 22 May.

