

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Thursday, 26 July 2018

(Extract from book 9)

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

By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable 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	Naphine, Dr Denis Vincent ³	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio ⁴	Melton	Ind
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma ¹	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John ⁵	Morwell	Ind
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David ⁶	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Paynter, Mr Brian Francis	Bass	LP
Clark, Mr Robert William	Box Hill	LP	Pearson, Mr Daniel James	Essendon	ALP
Couzens, Ms Christine Anne	Geelong	ALP	Perera, Mr Jude	Cranbourne	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Pesutto, Mr John	Hawthorn	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Ms Fiona Catherine Alison ⁷	Northcote	ALP
Dixon, Mr Martin Francis	Nepean	LP	Riordan, Mr Richard ⁸	Polwarth	LP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian ⁹	Gippsland South	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Ms Stephanie Maureen	Euroa	Nats
Eren, Mr John Hamdi	Lara	ALP	Sandell, Ms Ellen	Melbourne	Greens
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
Fyffe, Mrs Christine Anne	Evelyn	LP	Sheed, Ms Suzanna	Shepparton	Ind
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Ryan	Warrandyte	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Timothy Colin	Kew	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Spence, Ms Rosalind Louise	Yuroke	ALP
Guy, Mr Matthew Jason	Bulleen	LP	Staikos, Mr Nicholas	Bentleigh	ALP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Staley, Ms Louise Eileen	Ripon	LP
Hennessy, Ms Jill	Altona	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hibbins, Mr Samuel Peter	Prahran	Greens	Thomas, Ms Mary-Anne	Macedon	ALP
Hodgett, Mr David John	Croydon	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Howard, Mr Geoffrey Kemp	Buninyong	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	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 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*): Dr Carling-Jenkins and Mr Gepp.

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, 26 July 2018

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

**BUILDING AMENDMENT
(REGISTRATION OF BUILDING TRADES
AND OTHER MATTERS) BILL 2018**

Introduction and first reading

Mr WYNNE (Minister for Planning) (09:33) — I move:

That I have leave to bring in a bill for an act to amend the Building Act 1993 to make it an offence for persons to carry out certain types of building work without being registered or licensed to do so, to provide for the provisional registration of builders and the licensing of building employees who carry out certain building work and related offences, to prohibit the use of certain wall cladding products, to amend certain disciplinary requirements for building practitioners, to provide further for the regulation of swimming pools and spas, to amend the Local Government Act 1989 to provide for agreements to rectify defective cladding on buildings and charges to fund the rectification, to make minor and consequential amendments to the Oaths and Affirmations Act 2018, the Domestic Building Contracts Act 1995 and the Sale of Land Act 1962 and for other purposes.

Mr BATTIN (Gembrook) (09:34) — I ask for a brief explanation of the bill.

Mr WYNNE (Minister for Planning) (09:34) — I thank the shadow minister and will give him a full briefing at an appropriate time. The bill will address the issue of trades registration and licensing by ensuring that people are properly qualified for the building work that they are carrying out. It will also address backyard pool and spa safety by enabling the establishment of a register and, over time, requiring regular inspections of all pools and spas. It will address some inconsistencies in the Building Act and will create a pathway for people to follow if they have been asked to rectify non-compliant cladding.

Motion agreed to.

Read first time.

PETITIONS

Following petitions presented to house:

Beechworth Secondary College

To the Legislative Assembly of Victoria:

The petition of residents of Beechworth, Yackandandah and district, and other concerned citizens of Victoria draws to the attention of the house the urgent nature of infrastructure

funding required to allow Beechworth Secondary College to implement its building plans and update its education facilities to modern standards.

The petitioners therefore request that the Legislative Assembly of Victoria deliver the funding required by Beechworth Secondary College to implement its full building plans before the government goes into caretaker mode prior to the November 2018 election.

By Mr TILLEY (Benambra) (814 signatures).

Timber supply agreements

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house and requests that the Legislative Assembly of Victoria ensure that the Andrews government acts to save hundreds of jobs and the livelihoods of thousands of families who rely on the continuing operation of their local sawmills.

We call on the Andrews government to immediately restore and honour the commitment made by VicForests that extensions will be available to A.G. Brown Sawmill, Dindi Sawmill, Fenning Timbers, Kelly's Timber, Powelltown Sawmill and Ryan & McNulty who signed timber supply agreements (TSAs) before 30 June 2017, thereby safeguarding jobs and livelihoods in the local communities of these businesses.

By Ms RYAN (Euroa) (52 signatures).

AGL floating gas terminal, Crib Point

To the Legislative Assembly of Victoria:

We, the undersigned, call on the Legislative Assembly of Victoria to reject AGL's proposal to transport liquid natural gas from all over the world to a floating storage regasification unit (FSRU) moored to the Crib Point Jetty on Western Port Bay for the following reasons:

1. the potential risk of a significant and devastating fire/explosion event;
2. the potential for ships under 'flags of convenience' transporting the LNG to be: poorly maintained; staffed with cheap, foreign labour and bringing marine pests to a sensitive ecosystem;
3. it risks permanent damage to delicately balanced marine life, birdlife, seagrasses and mangroves in an area that is an internationally recognised Ramsar-listed wetland and UNESCO-designated biosphere reserve;
4. pollution (air, noise and light) contaminating both the immediate and regional communities;
5. the potential negative impact on local businesses dependent on tourism and fishing;
6. construction of approximately 60-km pipeline from Crib Point to Pakenham disrupting landowners and the environment and with its own inherent risks

By Mr BURGESS (Hastings) (1143 signatures).

Cranbourne South Primary School

To the Legislative Assembly of Victoria:

We the undersigned citizens of Victoria draw to the attention of the house, community concerns about the need for a major maintenance upgrade at the Cranbourne South Primary School.

The petitioners therefore respectfully request that the Legislative Assembly of Victoria calls on the Victorian government to make urgent funding available to replace the toilet block; fix the lack of heating, meeting and parking spaces and remove mould and asbestos from buildings.

By Mr BURGESS (Hastings) (108 signatures).

Wire rope barriers

To the Legislative Assembly of Victoria:

This petition of residents in 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 km of wire rope barriers across Victorian roads.

The petition requests 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 KEALY (Lowan) (53 signatures).

Country Fire Authority enterprise bargaining agreement

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly that Premier Daniel Andrews must not hand control of the Country Fire Authority (CFA) to the United Firefighters Union.

Volunteer firefighters have protected Victorians for more than 100 years across Victoria, and as a community we support the volunteers and send this message to Daniel Andrews and the Victorian Labor Party: keep your hands off the CFA.

By Ms KEALY (Lowan) (44 signatures).

Albacutya Bridge

To the Legislative Assembly of Victoria:

This petition of residents in the state of Victoria draws to the attention of the house user concerns about the structural condition of the 97-year-old Albacutya Bridge and the 18-tonne load limit introduced in 2016.

The petition requests that the Andrews Labor government immediately reinstate The Nationals country roads and bridges program to assist the Hindmarsh Shire Council to rebuild the Albacutya Bridge so that it can once again carry high-tonnage vehicles and keep jobs and businesses alive in the area.

By Ms KEALY (Lowan) (72 signatures).

Lowan electorate sporting clubs

To the Legislative Assembly of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly concern regarding any future changes to legislation that would have an adverse financial impact on sporting clubs across the Lowan electorate.

We note the Andrews Labor government brought in legislation through Parliament to allow land tax to be charged to sporting clubs that hire their clubhouse for private events. This new Labor tax would have resulted in enormous financial stress to many local sporting clubs which are the backbone of our communities.

The petitioners therefore request that the Legislative Assembly of Victoria ensure local community sporting clubs are not adversely affected by any future legislative changes.

By Ms KEALY (Lowan) (505 signatures).

Davis Park, Nhill

To the Legislative Assembly of Victoria:

This petition of residents in the state of Victoria draws the attention of the house to concerns regarding the closure of Nhill's Davis Park pavilion due to safety concerns.

The petition requests that the Andrews Labor government immediately provide funding to enable the Nhill Davis Park pavilion to be repaired or rebuilt, supporting the many community groups and sporting organisations that use this facility.

By Ms KEALY (Lowan) (289 signatures).

Western Victoria public transport

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the lack of public transport services in western Victoria.

We note that the Andrew's Labor government has recently increased travel times and cut services to western Victoria, making public transport less accessible for our local people.

The petitioners therefore request that the Legislative Assembly of Victoria ensure an appropriate level of investment is made to improve public transport services in western Victoria.

By Ms KEALY (Lowan) (758 signatures).

Miners Rest Primary School

To the Legislative Assembly of Victoria:

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

the township of Miners Rest is growing, and the primary school is experiencing a surge in enrolments;

the current primary school's current buildings and facilities are struggling to meet the demands of a growing community.

We, therefore, call on the state government to commit to building a new primary school for the Miners Rest community.

By Ms STALEY (Ripon) (21 signatures).

Ripon electorate state forests

To the Legislative Assembly of Victoria:

The petition of residents in Victoria calls on the Legislative Assembly to note that VEAC is conducting an investigation into various state forests in Ripon. The residents of Ripon are opposed to any land use changes in Ripon resulting from the central west VEAC investigation.

Ripon has a large outdoor enthusiast community that enjoys access to current state forests, including bushwalkers, horseriders, prospectors, 4WD clubs, and other clubs and organisations.

We, therefore, call on the government to ensure that access to all current state forests within Ripon is maintained for currently allowed activities.

By Ms STALEY (Ripon) (3546 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) (186 signatures).

Tabled.

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

Ordered that petitions presented by honourable member for Lowan be considered next day on motion of Ms KEALY (Lowan).

Ordered that petitions presented by honourable member for Hastings be considered next day on motion of Mr BURGESS (Hastings).

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

Ordered that petition (Ripon electorate state forests) presented by honourable member for Ripon be considered next day on motion of Ms STALEY (Ripon).

LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE

VicRoads management of country roads

Mr HOWARD (Buninyong) presented interim report, together with appendix.

Tabled.

Ordered to be published.

DOCUMENTS

Tabled by Acting Clerk:

Auditor-General — School Councils in Government Schools — Ordered to be published

Melbourne Cricket Ground Trust — Report year ended 31 March 2018

Statutory Rules under the following Acts:

Drugs, Poisons and Controlled Substances Act 1981 — SR 102

Rail Safety (Local Operations) Act 2006 — SR 103

Transport (Safety Schemes Compliance and Enforcement) Act 2014 — SR 104

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 102, 103, 104.

BUSINESS OF THE HOUSE

Adjournment

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

That the house, at its rising, adjourns until Tuesday, 7 August 2018.

Motion agreed to.

MEMBERS STATEMENTS

Croydon railway station precinct

Mr HODGETT (Croydon) (09:41) — I was deeply saddened to hear of the tragic fatal accident last week on the Pierson Drive pedestrian crossing in Croydon.

My thoughts are with the family and friends of the pedestrian and also with the bus driver.

The Croydon station car park and surrounds are in urgent need of an upgrade, and I fully support any initiatives to make this area safe for all users, including pedestrians, commuters and drivers. The shared areas used by both vehicles and pedestrians are a confusing mix of crossings, roads, car parks and bus stops. The existing pedestrian crossings are close to the road with poor visibility for drivers and little setback for pedestrians.

The blind corner on Pierson Drive is made even more dangerous by the footpath that disappears on one side and starts on the other side with no pedestrian crossover and limited visibility. It is clear that the area needs a more defined separation between pedestrians and vehicles. A combination of increased lighting, footpath upgrades and better pedestrian access between the station and Main Street, as well as traffic-calming devices, such as raised pavements and chicanes, must all be considered.

I raise this in the house today to advocate for these much-needed changes, upgrades and improvements. I give my full support on behalf of the Croydon community for funding for the station surrounds and car park to tackle these problems and increase safety and accessibility for all who use this area.

Werribee electorate housing affordability

Mr PALLAS (Treasurer) (09:42) — I rise to update the house on the success of the *Homes for Victorians* package in my electorate of Werribee. The changes we have made to stamp duty for first home buyers have meant that thousands more first home buyers are now accessing the housing market.

I am happy to report that Wyndham has the highest number of first home buyers that have paid no stamp duty at all. In this 2017–18 financial year there were 1651 transactions, resulting in a saving of \$33.8 million for first home buyers. These purchases are a story of hope, of opportunity and of progress. Thousands more Victorians will now experience the joy of hanging family photos in their living room, of marking their children's heights against the wall and of digging up and creating their own backyard. We are also ensuring that young Victorians can not only get into the housing market but can also be supported by the infrastructure and the services that they need.

Madame Butterfly

Mr D. O'BRIEN (Gippsland South) (09:43) — Gippsland is home to some marvellous artistic and cultural activities, and the past few weeks have been no different — the highlight being the performance of *Madame Butterfly* by Opera Australia at the beautiful Regent Theatre in Yarram last Friday. Almost 500 people packed into the theatre — in a town with a population of less than 2000 — to see Puccini's famous opera as part of Opera Australia's regional tour. Children from Yarram Primary School played a role in the performance, including Tynon Long as Sorrow, Madame Butterfly's son, and all performed admirably.

Opera Australia staff said the reception from the audience was the best they have experienced so far on tour, highlighting that small towns appreciate experiences such as this so much more. That Yarram was on a tour schedule with much bigger regional cities like Ballarat and Bendigo is testament to the passion of many local people, most notably Wellington shire councillor Darren McCubbin, who has played a critical role in bringing the tour to our region.

Annie

Mr D. O'BRIEN — I also recently attended the Leongatha Lyric Theatre performance of *Annie* at Mesley Hall — another excellent production from this prolific theatre group. Once again there was a stellar cast of young performers, and some not so young, drawn from across the South Gippsland area, and the show was very well attended over several weeks. I am pleased to be working with president Kerrie Giles and committee member Peter Western on an upgrade of the Mesley Hall theatre, and I am sure that future state government funds can be found to improve this facility.

Leongatha Men's Shed

Mr D. O'BRIEN — Still in Leongatha, I urge the state government to support the application for funding by the Leongatha Men's Shed for a new shed. There is a great group of blokes involved in this shed, and I visited them recently. They are led by president Max Wood, whose contribution to the local community is fantastic.

Drysdale bypass

Ms NEVILLE (Minister for Police) (09:44) — The \$117 million Drysdale bypass is one of the biggest and most significant road projects to be built on the Bellarine Peninsula. It will reduce traffic congestion through Drysdale by 40 per cent and significantly

decrease travel times for those heading to or from the townships of Portarlington, St Leonards and Indented Head. We have completed the High Street works which were part of that project.

This is a project that has been talked about for 40 years, but we are the ones who are getting on and delivering it. Despite recent reports to the contrary, I can assure this Parliament and the people of the Bellarine that construction of the Drysdale bypass will commence as scheduled in September and will be completed as scheduled in mid-2020. In June when the Premier and I visited the site we were joined by members of the Drysdale Clifton Springs Community Association. Importantly, as with all major road projects, this government works respectfully with traditional owners in identifying and recording culturally significant items. It is important work that is factored into the construction schedules and costs and as such will not increase construction times or costs.

In addition the project has wide support from all local communities and groups across the Bellarine. This includes the Drysdale Clifton Springs Community Association, who fully support the project, and I commend them for their ongoing involvement and interest. The Drysdale bypass is a game changer, and when completed in just two years time it will make Drysdale an even more liveable town and commute times not only quicker, but safer for motorists and pedestrians.

Ferntree Gully electorate sporting clubs

Mr WAKELING (Ferntree Gully) (09:46) — I recently had the pleasure to join many of the sporting clubs across my electorate to announce that a Liberal-National government would commit \$600 000 to upgrade 12 reserves across my electorate. This is in stark contrast to the government, which is more interested in funding Etihad Stadium. The government, when asked by the media whether or not they would support this project, said no. They told my community, ‘No money for you’. It is an absolute disgrace.

Victoria Day Awards

Mr WAKELING — I had great pleasure to join the member for Rowville in hosting the Ferntree Gully and Rowville electorates Victoria Day Awards at which we recognised 31 fantastic local volunteers, and I congratulate all locals on their work in our local community.

Rotary Club of Ferntree Gully

Mr WAKELING — I was also pleased to attend the Ferntree Gully Rotary club’s changeover lunch. Congratulations to incoming president Ray Hollis. I would also like to congratulate outgoing president Christine Anderson on two years of fantastic work for our local community.

Knox Churches Soccer Club

Mr WAKELING — I was pleased to join with the member for Rowville to attend Knox Churches Soccer Club’s 20th anniversary celebrations and to announce that a Liberal-National government would provide \$100 000 funding assistance to upgrade their car park, another project that has been ignored by this government.

Ferntree Gully railway station

Mr WAKELING — I was pleased to join Mr Davis, a member for Southern Metropolitan Region in the other place, at the Ferntree Gully railway station to announce that a Liberal-National government would commit \$300 000 to install additional shelter on the city-bound platform of the Ferntree Gully railway station.

Lara flood warning system

Mr EREN (Minister for Tourism and Major Events) (09:48) — Lara residents will reap the benefits of a new local study to manage flooding in the local area as well as a new flood warning system thanks to the Andrews Labor government. I was pleased to recently launch the Rennie Street automated flood warning sign located at Hovells Creek. When Hovells Creek floods and the street is closed it frustrates local residents and is a safety risk as drivers attempt to drive through the floodwaters. Vehicles can quickly become trapped in just 15 centimetres of water, and the new automated sign will help alert commuters of risk sooner so they can seek alternate safer routes.

The \$52 000 project is being delivered by the Labor government, the City of Greater Geelong and the federal government. In addition to project funding announced six months earlier, the Lara flood study is now kickstarted. The \$750 000 study, funded by the Labor government in partnership with the City of Greater Geelong, is scheduled for completion in 2019. Flooding is Victoria’s most costly natural hazard. Flood warning systems and localised flood mitigation activities are key to preparing for future floods and minimising their impact on communities.

WorkSafe relocation

Mr EREN — I was also pleased to recently attend the official opening of the new WorkSafe headquarters in Geelong. WorkSafe's relocation is part of the Andrews Labor government's ongoing work to establish the city as a national centre for social insurance excellence. More than 500 former Melbourne-based staff began working in the new office, nearly 90 of whom have purchased homes in the region, with more renting. It is great for the economy.

Baxter rail extension

Mr BURGESS (Hastings) (09:49) — I congratulate Prime Minister Malcolm Turnbull and the Victorian Leader of the Opposition for making the trip down to Baxter on 17 July to announce a joint \$450 million partnership deal for the first important stage of the electrification and duplication of the entire Stony Point railway line. Under a Guy Liberal-National state government work to electrify and duplicate the line to Baxter will begin next year. The Turnbull government committed \$225 million to this transport infrastructure in its 2018–19 budget and the Victorian opposition has also committed \$225 million. For the first time residents of Langwarrin, Crib Point, Bittern, Hastings, Tyabb, Somerville, Pearcedale and Baxter will be able to take a short drive to the large park and ride just north of Baxter and catch a train all the way through to the city without changing trains anywhere. For Langwarrin residents there will be no more fighting for a car park in Frankston or other railway stations just to get on the metro line; we are bringing the metro line to you. My community will finally have metro trains and a more frequent and reliable metro timetable available for them and their families.

Crib Point fire station

Mr BURGESS — On 14 July I was excited to join former Crib Point fire brigade captain Geoff Watson, chief officer Steve Warrington, federal member for Flinders Greg Hunt and former and iconic Crib Point resident Rosemary Evans at the turning of the sod ceremony at the site of the new Crib Point fire station. The Crib Point fire station people have worked very hard to secure this badly needed new station and this was another step for this critically important piece of infrastructure. I would like thank Rosemary Evans, who helped drive this project, and Greg Hunt for the land.

Nance Ormsby

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) (09:51) — I had the

privilege of attending the presentation of the RSL of Australia's highest award, the Meritorious Service Medal, to Nance Ormsby at the Epping RSL on 15 July. Nance is a very special woman indeed. Her life has been dedicated to working for her community and country, showing that women can do anything. While many of our men were away fighting in the Second World War, Nance served in the women's land army, a pivotal group that changed our country's perception of women's roles in the workplace. Nance was only 17 at the time. Many farmers did not have faith in women being able to get the job done, but that did not stop Nance. It is important to note that this was not easy work. The Women's Land Army was known to work over 70 hours per week and undertake all of the heavy work that comes with running a farm.

The recognition of Nance and many other women is long overdue. Our country refused to recognise the Women's Land Army as the fourth service alongside the navy, army and air force despite it ensuring that Australia had a strong food and resource supply throughout the war. I am proud that we are beginning to recognise these women and other amazing women in history for their service. Nance continues to play a role in the community through her volunteer work for the RSL, ranging from the Epping RSL branch to charity groups like the Red Cross, despite her being 92 years old. No words can truly give proper thanks to Nance for her service to our community and country. Nance has lived an incredibly giving and selfless life and is more than deserving of this prestigious award. I would like to again extend my respect and deep appreciation to this amazing woman.

Mildura South regional sporting precinct

Mr CRISP (Mildura) (09:52) — The Mildura Rural City Council has listed the Mildura South regional sporting precinct as its number one priority for Mildura's future. The precinct is a \$30 million project to deliver an indoor stadium and two outdoor ovals. The Liberal-Nationals in government will kick in \$10 million for the facility following the federal government's \$11 million contribution to the indoor stadium. Mildura Rural City Council have committed to funding the balance of the project. It is now time for the Andrews Labor government to move from interest in the project to support for this project so Mildura can be assured of its sporting facility. The Labor government is well aware of the importance of the Mildura South sporting precinct to Mildura as they have attended the forums by the Mallee regional partnership, and it is now time for them to move from interest to commitment. Victoria does not end at the

end of the tram tracks, and Labor should support this project.

Mildura electorate

Mr CRISP — The July parliamentary break was an opportunity for me to tour the vastness of the Mildura electorate and to engage with the locals on what is important to their communities. The conversations invariably began with the need for rain and moved to issues very local in nature, from the quality of water supplies to bus timetables and maintenance of recreational lakes — and of course the unexpected, which was to receive a wave in Birchip from someone in a horse and cart as he headed out of town.

Karen Belej

Mr CRISP — With the widespread support from the community, the Belej family will finally have their day in court today, with the appeal against the perpetrator's sentence to be argued. The people of Sunraysia and beyond will be keeping the Belej family in their thoughts today as the family sits in a courtroom in Melbourne seeking justice for Karen.

Montmorency Junior Football Club

Ms WARD (Eltham) (09:54) — I thank Montmorency Junior Football Club for kindly including me in their 50th anniversary ball. The night was a great celebration of a thriving junior football club which currently has 21 teams in the Northern Football Netball League competition, including boys and girls. I commend the incredible team who were behind getting the girls competition up and running over the past few years. It has grown in numbers every year and is incredibly successful. Three hundred guests were entertained by local Wilbur Wilde and band alongside Eltham's Greg Champion, who was MC for the night and who is a regular volunteer umpire for the club.

I acknowledge and thank past presidents and life members who attended this fantastic ball, including Russell Ward, Jan Ward, Geraldine McMillan, Gary McMillan, Alan Hoffman, Mick Mills, Rod Kreymborg, Rick Spargo, Steven Keay, Sharon Naughton, Mark Cleary, Anne Marie Boulton, Darren Boulton, Peter Gray, Sue Clarke, Darren Kane, Jodi Jones, Kelly Pyers and Kristine Charles. Our sporting clubs cannot survive without volunteers like these. A successful event like the Montmorency Junior Football Club ball takes a lot of work. On behalf of our community I thank Mandy Strongman, Deanna Constantin, Lauren Halliwell, Kelly Pyers, Sue Clarke and Meaghan

Tomazic for their exceptional efforts in making such a memorable night happen.

Eltham electorate creative writing competition

Ms WARD — I congratulate the local primary school students in my electorate who participated in my creative writing competition. The competition asked students from grades 3 to 6 to write a story set in our local community. I received a lot of entries, and I loved reading all of the stories, which ranged from zombies to unicorns to magic tunnels and visits to the trestle bridge and Montsalvat. Many children wrote about preserving our reserves and natural landscape. Of course the Eltham miniature railway was mentioned many times too. I was very grateful to have this insight into the colourful imaginations of our children and I thank them for sharing their stories with me. I congratulate the winners of the writing competition, including Angela Gartland, Naomi Livermore, Imogen Bowers, Zoe Forbes, Gus Singh, Matthew Brophy, Misha Boesenberg, Clare Parfitt, Selby Thompson, Indianna Hoey and Jim Gilbert.

Greens energy policy

Ms SANDELL (Melbourne) (09:55) — I am pleased to tell the Parliament today about the Greens' plan to bring down energy prices and fix our broken and polluting power system. Our energy market is broken. It is controlled by a few big companies that are pushing up prices and holding on to their polluting coal-fired power plants. Jeff Kennett privatised the system in the 1990s and since then a few big corporations have run the show. Privatisation has led to skyrocketing bills and job losses. Did people know that over 40 per cent, in some cases, of our energy bills goes just to profit and marketing for these big companies? That is 40 per cent of what we pay going to line the pockets of the CEOs or so they can harass us with phone calls or doorknocks just to get us to sign up to some dodgy deal. What a waste.

It is time this stopped. That is why the Greens have released their plan for a publicly owned energy retailer, like we had before privatisation. We are calling it Power Victoria. Because Power Victoria will be publicly run, its aim will be to provide Victorians with reliable energy, not to make a profit. It will run at cost and will not need to spend millions on marketing. Electricity is an essential service that every Victorian needs to live a good life. An analysis shows that our plan will save Victorians between \$300 and \$500 a year on their bills. Big companies have been price gouging us for too long. It is time to bring power back into

public hands, and the Greens have a plan to do that. It is time the other parties jumped on board.

Bids for Kids fruit auction

Ms HALFPENNY (Thomastown) (09:57) — I had the great pleasure of participating in a celebration of enormous generosity and compassion on Friday, 18 July. Stephen Fanous and the team at MarketPlace Fresh in the Melbourne market at Epping organised a very successful fundraiser for HeartKids. Many stallholders and businesses connected to the Melbourne market got involved. The fundraiser was called a Bids for Kids fruit auction and raised a massive \$210 000.

HeartKids is an organisation that advocates and supports families of children with congenital heart disease. On behalf of everybody in the north, I would like to thank Stephen and his team, Tony Siciliano and VFS Produce and all the other donors to this massive and successful fundraiser. I was not at the fundraiser but I pledged to make a donation to the cause. Many families of HeartKids were also in attendance at this celebration and great fundraiser and all expressed great appreciation for those at the Melbourne market for all the work that they had done. The money raised is going to go to a very important program called the HeartKids Family Coping program that will help to support families to cope, advocate for themselves and their children, and build strong relationships.

Kew electorate bus services

Mr T. SMITH (Kew) (09:58) — I want to raise a very important issue for residents that live around Asquith Street in my electorate of Kew. The 302 and 304 bus services are constantly late. There are not enough seats on the buses; they are constantly clogged. My residents cannot board these buses by the time they reach Kew because there simply is not room. I have written to the Minister for Public Transport on at least two occasions now — late last year and some weeks ago — asking for increased services in my local area for residents who use the 302 and 304 services. I have not received a sufficient reply to date and I will be raising this in the adjournment this evening or, hopefully, in the next sitting week, because this is a very important issue for public transport in Kew.

Public transport in Kew is a real issue because we do not have the east–west link and car congestion is constantly clogging up local streets. Tram services, the 109 and 48 routes, are not sufficient, and we have people coming off the Eastern Freeway at Doncaster Road and rat-running through Kew. This is creating enormous traffic heartache for residents in Kew. We

need the east–west link built and we need it now. It is a huge issue for residents in Kew that the Australian Labor Party spent \$1.3 billion to tear up that most vital contract for a connection to the Eastern Freeway which still ends at a T-intersection at Hoddle Street, and we are still without a connection to the airport.

Terry Hancock

Ms HENNESSY (Minister for Health) (10:00) — I rise to pay tribute to my friend and long-term western suburbs activist Terry Hancock, who passed away yesterday. Terry was a very proud working-class man. He was a rough diamond. He spent a great deal of his life dedicated to the task of ensuring that he and his fellow workers received a fair day's pay for a fair day's work. He was a long-term and historical figure in the metalworkers union in Victoria, later known as the Australian Manufacturing Workers Union. He worked very hard along with his other partners in crime and lifelong friends — people like John Speight, who will also be mourning his loss quite severely. Terry was also a great supporter of mine, a very big and active part of the Hoppers Crossing branch of the Labor Party in Melbourne's west. He was a decent, funny, loyal and wonderful person, and we will miss him very much. I rise to place on the record my respect and appreciation for everything he achieved in his life and to give my love and care and compassion to his wife Lorraine and family who will be mourning his loss very deeply.

Byron Muir

Ms HENNESSY — I also would like to acknowledge Byron Muir from Bayside College who has been completing his work experience in my electorate office. Byron is very passionate about parks and improving outdoor facilities in the Altona district. He has done a terrific job and congratulations.

Bellbrae Primary School

Mr KATOS (South Barwon) (10:01) — On Tuesday, 26 June, I was pleased to be with Mitch Barrow, Bellbrae Primary School council president, and school council member Jacqueline Gorski, together with the Leader of the Opposition, Matthew Guy, where we proudly announced that an elected Liberal-Nationals government will deliver \$8 million for a much-needed upgrade of the Bellbrae Primary School. This announcement will go towards long overdue works for the school, including new classrooms, a gym, providing a synthetic sports oval and, vitally, connecting the school to safe, clean and potable drinking water. Following a long community-driven campaign, which I was pleased to support, including assisting and

presenting here in this house a petition with hundreds of signatures, making this announcement was greatly welcomed by the entire school community. I wish to thank all of the parents, staff and friends who signed the petition and joined the campaign for funding, especially the school council, the school principal and the greater Bellbrae community. I am proud to be fighting for Bellbrae Primary School and I look forward to ensuring that these vital works come to fruition to continue the development of this growing school community.

Armstrong Creek emergency services precinct

Mr KATOS — I was also pleased to recently announce that an elected Liberal-Nationals government will deliver \$7.1 million for an emergency services precinct for Armstrong Creek. This vital piece of community infrastructure meets the needs of one of the fastest growing suburbs in Victoria, with over 22 000 homes expected. The new emergency services precinct will house a brand-new Country Fire Authority station and ambulance branch for the area. I regularly hear directly from the residents in Armstrong Creek that this is an important piece of infrastructure that is missing from this growing community. I am pleased to be part of the Liberal team that will deliver vital infrastructure and make our community a safer place.

St Albans electorate infrastructure

Ms SULEYMAN (St Albans) (10:03) — What a week it has been for the electorate of St Albans with the fantastic Andrews Labor government's announcement that it will invest \$5 billion towards the long-awaited Melbourne Airport rail link. This means in my electorate, in the heart of Sunshine, there will be a brand-new super-hub station. This is a game changer for the west. Connecting Victoria and Sunshine with the world, providing vital jobs and world-class public transport. Not only have we removed the two dangerous level crossings at Main Road and Furlong Road, St Albans, and celebrated their one-year birthday but we are also building the Metro Tunnel. The Metro Tunnel will free up space in the city loop. This means more trains along the Sunbury line and also a less crowded and more reliable train network within my electorate of St Albans. There is no doubt that Labor understands the importance of investment in our public transport system and hospitals. We are the government that is building the Joan Kirner Women's and Children's Hospital, again in the heart of St Albans. I am very proud that we are building the foundations that will build a better future and, most importantly, we have a proven track record of delivering important and vital infrastructure in Melbourne's west. We do not just talk the talk, we walk the walk.

Kinglake Primary School

Ms McLEISH (Eildon) (10:04) — Kinglake Primary School is worthy of recognition and commendation on their involvement and success in the citizen science in schools program, now known as STEM Professionals in Schools — that is, science, technology, engineering and mathematics. The school worked in collaboration with the CSIRO. Students from the 2016 grade 5/6 class were actively engaged in scientific research which led them to co-authoring an article which was published in the respectable journal *Austral Ecology* in May. The students worked with ecologist Billy Geary to explore pollinators in their natural habitat. They researched, analysed and reported on the results. They have the forest at their back door, so they had ready access to the pollinators. I want to congratulate the school and students for their great work. These students are now in years 7 and 8 and have moved on from Kinglake Primary School predominantly to Diamond Valley College and Yea and Whittlesea high schools. I think they are all worthy of mention for their wonderful achievement.

The children are: Jack Sutton, Chiquita Webber, Amy Ritchie, Leigham Berns, Bella Winch, Holly Reeves, Eiron McLennan, Jordan Gardner, Charli Butler, Emily Sutton, Max Couttie, Jake Hildebrand and Isabelle Blackney. They were supported by their teacher, Justine Forsyth. Principal Deborah Keating was also involved, and she should be congratulated for introducing the CSIRO's STEM Professionals in Schools program to the school.

As part of David Gonski's recent review into Australia's education system, it found that when it came to science, Australian students have gone from being ranked 8th to 14th over the last 15 years. This is simply not good enough. More needs to be done to engage students in science, especially at the junior level.

Greece wildfires

Mr STAIKOS (Bentleigh) (10:06) — My thoughts and prayers are with the people of Greece during what is a very, very difficult time. The fires raging in Athens have so far claimed more than 80 lives and injured hundreds of people, with the number of victims set to climb. As Victorians we are all-too-familiar with the devastation caused by bushfires. The images we have seen broadcast on the internet and on our television screens of cars gutted by the flames evoke memories — terrible memories — of Black Saturday. As a proud Greek Australian I cannot help but be moved by the outpouring of support here in Australia, particularly by our philhellene Premier, who visited Greece in December.

Yesterday I joined the Premier as well as the member for Oakleigh and ministers Jenny Mikakos and Philip Dalidakis for a meeting with the Greek Consul General. The Consul General gave us more harrowing details of the fires, which were travelling at 75 kilometres per hour, leaving by the road the remains of people desperately trying to get to the beach for safety.

Many houses in the resort towns have been destroyed, including a coastal villa where 26 people were found dead in each other's arms. Many others are still missing. The Premier asked the consul to convey to the Greek government that Victoria stands ready to assist Greece in any way it can. I know that the Greek authorities are interested in Victoria's expertise in identifying bushfire victims — expertise that has been, very sadly, gained through our own tragedies. As the Premier has said on many occasions, the heart of the Greek diaspora beats loudest in Melbourne, and I know the Greek community is grateful for our Premier's support.

Sandringham Hospital

Mr THOMPSON (Sandringham) (10:07) — I endorse the comments of the member for Bentleigh in relation to the seriousness of the bushfires in Greece.

I would like to place on the parliamentary record the commitment of the coalition to ensure the ongoing viability of the Sandringham Hospital. A couple of years ago, in the context of a federal-state funding stoush, there was a front-page article in the *Age* which mooted the potential cutback and winding back of the emergency department hours from 24/7 down to 12 hours a day. In May 2016, following a massive uprising within the Sandringham electorate, the Leader of the Opposition gave an unequivocal commitment that the hours of the Sandringham Hospital emergency department would not be cut back.

A government spokesman recently said that the Liberals had other plans in relation to the Sandringham Hospital. I just wish to place on the parliamentary record that the Liberal Party is keenly committed to an ongoing role at the Sandringham Hospital for the emergency department. I also welcome the activism and commitment by the Liberal candidate for Sandringham, Brad Rowswell, in campaigning for improved outpatient services at the Sandringham Hospital, which are much needed.

Greece wildfires

Mr DIMOPOULOS (Oakleigh) (10:09) — As friends, as family and as people who know too well the devastation of fires the Victorian community has

offered their condolences, their sympathies, their support and their assistance to the people of Greece. I, on behalf of the electorate of Oakleigh, also offer my deepest sympathies to the families and communities both in Greece and in Australia who have been impacted by these devastating bushfires.

I am very pleased that the Premier met with Greek government officials yesterday to offer every support and assistance from the Victorian government to the government of Greece. For a nation that has been through so much in recent years, these devastating fires are yet another blow to this great nation. The Greek government will survive this; the Greek people will survive this. They have been through a lot over many, many years, in fact over thousands of years, but they have survived and they have continued to contribute greatly to the world and to their own people.

I am pleased that the Victorian government has offered assistance, as the member for Bentleigh said. The diaspora of the Greek nation beats strongest in Melbourne and in Victoria, and it is only fitting that we offer our best, our support and our sympathies to the Greek people during this hard time. I also look to them getting through this and prospering in the future.

Beaconsfield Nature Conservation Reserve

Mr BATTIN (Gembrook) (10:10) — I would like to acknowledge Elizabeth Fraser, Geoff Lockwood, Paul Higgot and Harry Jensen, who have raised issues in relation to the Beaconsfield Nature Conservation Reserve. I promised the community I would bring up the issues they have raised with the government. I will continue to bring those up for you and get the answers that you require around safety in the Upper Beaconsfield community.

CHILDREN, YOUTH AND FAMILIES AMENDMENT (YOUTH OFFENDER COMPLIANCE) 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 Children, Youth and Families Amendment (Youth Offender Compliance) Bill 2018 (**Bill**).

In my opinion, the Bill, as introduced to the Legislative Assembly, is compatible with human rights as set out in the

Charter. I base my opinion on the reasons outlined in this statement.

Overview

The Bill primarily amends the *Children, Youth and Families Act 2005 (CYF Act)*. It also makes consequential amendments to the *Bail Act 1977* and the *Surveillance Devices Act 1999*. Most relevantly, the Bill amends the CYF Act to:

provide circumstances in which the Youth Parole Board (**Board**) is required to impose a condition relating to electronic monitoring of young persons on parole, and provide powers for the imposition, removal and inspection of devices to facilitate that monitoring;

regulate the use and disclosure of information derived from electronic monitoring;

empower the administration of alcohol and drug testing on persons with certain parole conditions; and

make various technical and definitional amendments.

Human Rights Issues

Right to privacy and reputation (section 13)

Section 13 of the Charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Section 13 contains internal limitations which affect the scope of the right, meaning that lawful and non-arbitrary interferences with a person's privacy will not limit this right. Exercise of a statutory power will generally only be arbitrary if it is considered to be capricious, unpredictable, unjust or disproportionate to the legitimate purpose that it is directed to achieving.

Electronic monitoring

The Bill's electronic monitoring provisions involve a number of interferences with privacy, affecting both people's physical integrity and the collection, use and disclosure of private information.

Section 458 of the CYF Act currently empowers the Board to release on parole a person who is detained in certain youth justice facilities or otherwise subject to their jurisdiction. Section 458A requires that where the Board releases such a person, and that person was detained in respect of certain categories of serious offending, the Board must impose specific conditions on that parole order. Clause 7 inserts new sub section (2A) to section 458A, which provides that if the Board is satisfied of certain circumstances it must attach a condition to any parole order requiring electronic monitoring of the parolee. New sub-section (4) requires a person subject to a monitoring condition to be monitored 24 hours per day and wear a monitoring device fitted to them at the direction of the Board or Secretary, not to tamper with or remove that device and to accept any visit by the Secretary, at any time that it is reasonably necessary and for any purpose. In certain circumstances, the Secretary can permit temporary removal of a device.

The provisions empower the Secretary and the Board to give to a parolee subject to an electronic monitoring requirement

such directions as they consider necessary for the electronic monitoring of compliance with the condition.

The provisions involve a number of interferences with a parolee's physical integrity, which constitutes a dimension of privacy. First, although new section 458A(2A) does not specify the precise form of electronic device to be used, the monitoring involves the wearing a device (which is usually an ankle bracelet or similar external electronic device). The devices can be publicly visible when worn and may therefore impliedly disclose a person's offending history.

However, although these effects interfere with a person's privacy, they do not do so in a way that is unlawful or arbitrary so as to limit their Charter right. The circumstances in which the wearing of a device must be imposed are specified in new section 458A(2A) and are clear and precise. Electronic monitoring will only be required where the Board considers it appropriate, having regard to a person's risk of re-offending, the extent to which the condition may reduce that risk, and the extent to which it may have adverse effects on the person. Consequently, the conditions are intended both to reduce risk to the community of re-offending and enhance an offender's prospects of rehabilitation. The provisions are also intended to facilitate the granting of parole to persons whose risk of re-offending might otherwise require their continued detention. In this respect, the provisions allow for a reduction of the limitations to person's liberty.

Attendance at parolee's residence and removal of electronic monitoring devices

The right to privacy, which includes the right to non-interference with a person's home, under section 13(a) of the Charter, is also engaged by provisions requiring a parolee subject to a monitoring condition to accept any visit by the Secretary to their residence at any time reasonably necessary and for any purpose. While that obligation is broad, I do not consider that it is arbitrary. The visit must be at a time that is reasonably necessary, meaning that there must be some objective reason for a visit to be required. Further, section 459 of the CYF Act provides that while a person is on parole they are still under sentence. In this respect, the release on conditions requiring visits actually reduces the interference with the right to privacy when compared with detention.

New section 461AA provides that, in certain circumstances, an officer can remove the electronic monitoring device worn by the person or any equipment used for electronic monitoring, and can enter the person's residence for the purpose of that removal. Entry to a person's residence to effect removal also affects their privacy. However, any interference with privacy will, in my view, neither be unlawful nor arbitrary. The circumstances in which the device or equipment may be removed, and who may remove it, are clearly set out in the provisions. The removal will occur for a reason specified in section 461AA(1), such as the condition containing the monitoring requirement being varied or revoked.

In most instances, devices and equipment will be removed or recovered with the offender's agreement. If practicable, an officer is required to seek a person's consent before using any force to remove a device or equipment from their person or premises (new section 461AA(8)(c)). Further, forcible removal or entry to premises is confined by the requirement to use only reasonable force.

For these reasons, I am satisfied that the powers to enter premises and to effect removal are not unlawful or arbitrary, and therefore do not limit the right.

Gathering, use and disclosure of information from electronic monitoring

The right to privacy is also engaged by the various provisions involved with the gathering, use, and disclosure of information from electronic monitoring.

The provisions require monitoring of the person 24 hours per day (new section 458A(4)(b)), and anticipate the devices' ability to identify and record a person's location throughout that period. The recording of electronic monitoring information is impliedly authorised by new section 461AD, which permits the Secretary to authorise the use of such information. The monitoring and recording of that information potentially interferes with the privacy of a person's social sphere, and may have a chilling effect on a person's freedom to move and associate. However, both the monitoring and recording are consequently lawful. Further, given the important purpose for both the monitoring and the recording of information from that monitoring, being to prevent offending and foster rehabilitation, and the clearly circumscribed nature of the monitoring and recording, it is also not arbitrary.

New Division 7 of Part 5.5 deals with use and disclosure of information about or derived from electronic monitoring of a parolee. New section 461AD provides certain purposes for, and circumstances in, which a person can disclose information in relation to a monitored parolee that is derived from their electronic monitoring and specifies their location or movement over a period of time. A listed person can share information either if it is reasonably necessary to the person's functions advising or assisting the Board, or the administration of a parole order. The information may also be disclosed if the person reasonably believes that the use or disclosure is necessary: to reduce the risk of a person committing a serious offence, or prevent a threat to life, health or safety or welfare of any person; for the purposes of enforcement of the law; or for the preparation, conduct or participation in certain proceedings or inquests, including criminal proceedings. Information can also be disclosed if requested by the monitored person, authorised by the Minister or is for the purpose of briefing the Minister. New section 461AE provides that it is an offence to use or disclose monitoring information except in accordance with new section 461AD.

Each of these reasons for disclosure clearly serves a legitimate purpose of safety or law enforcement. While some grounds for disclosure are broad, they are not so vague as to be arbitrary. None of the reasons for which information can be used or disclosed could operate in a manner that is capricious, unpredictable, unjust or disproportionate to the legitimate purpose to which they are directed.

Accordingly, neither the monitoring of the parolee, nor the use and disclosure of information obtained by that monitoring, limit the right to privacy.

Alcohol and drug testing

Clause 10 inserts new section 458B into the CYF Act, which provides that if a person is released under a parole order that contains an abstinence, treatment or testing condition, the

Secretary may direct the person to undergo drug or alcohol tests. These may include the taking of a urine sample. If the Secretary reasonably believes it necessary to ensure the reliability of the accuracy of the test, they can direct that testing be conducted or supervised by an officer.

This testing engages the right to privacy. However, in my view, the power authorised by the provision is not unlawful or arbitrary because the circumstances in which it may be exercised are clearly set out by new section 458B, and these circumstances are appropriately circumscribed.

The Secretary's specific power to authorise an officer to conduct or supervise a test, including a urine test, may significantly interfere with a parolee's privacy. That interference is heightened by the fact that parolees are vulnerable by virtue of their young age.

However, the tests must be approved by the Secretary, and may only be performed upon a parolee whose parole order contains an abstinence, treatment or testing condition. These preconditions to the exercise of the power are transparent and certain.

Additionally, the power to authorise the conduct or supervision of a test is only available where the Secretary reasonably believes the direction to be necessary to ensure the reliability and accuracy of the test. The interference with privacy therefore is not arbitrary in the sense of being disproportionate to the objective of maintaining the integrity of tests. Without supervision, the tests may be rendered pointless and therefore such power is required to ensure the efficacy of the testing system.

Additional safeguards to privacy are provided by the requirement that if the taking of urine is to be conducted or supervised by an officer, then ordinarily where a parolee identifies as being of a particular gender the officer be of that gender, unless otherwise requested by the parolee. That requirement will apply unless it is not practicable to comply with it.

For these reasons, I consider that the provisions provide for interferences to the right to privacy that are neither unlawful nor arbitrary.

Amendment to definition of 'information holder'

The Bill amends section 16 of the CYF Act, to alter the recently amended definition of 'information holder' to ensure that it does not include courts and tribunals.

The *Children Legislation Amendment (Information Sharing) Act 2018 (CLAIS Act)* amended the Child Wellbeing and Safety Act 2005 (CWS) and the CYF Act. The amendments to the CWS Act included new Part 6A, which creates the Child Information Sharing Scheme, allowing entities prescribed as information sharing entities (ISEs) to share information to promote the wellbeing and safety of children. That part also included section 41T, which expressly provides that, if certain bodies are prescribed as ISEs, then they are not subject to the obligations in that part relating to the collection, use or disclosure of confidential information in relation to, or for the purposes of, their judicial or quasi-judicial functions.

The CLAIS Act also amended the CYF Act to provide that any ISE is to be included in the definition of 'information holder'. Under the CYF Act, information holders are subject to certain obligations where information is requested from

them. It was not intended at the time of drafting the CLAIS Act that the types of bodies under section 41T would be subject to the obligations of information holders under the CYF Act simply because they had been prescribed as ISEs under the CWS Act. The amendment to section 16 ensures that these bodies are exempted in relation to their judicial or quasi-judicial functions under both Acts.

The Statement of Compatibility accompanying the Children Legislation Amendment (Information Sharing) Bill 2017 addressed the way in which the amendments to the CYF Act affected the right to privacy under section 13 of the Charter and concluded that although reflected 'a more permissive approach to information sharing' they did not unreasonably limit the right to privacy. The current amendment only reduces any impact that the provisions otherwise have on privacy, by ensuring that the bodies in section 41T of the CWS Act are not subject to certain information sharing obligations. For those reasons, I do not consider that these provisions of the Bill affect the right to privacy.

Right to freedom from medical and scientific experimentation (section 10(c))

Section 10(c) of the Charter provides that a person has the right not to be subjected to medical or scientific experimentation or treatment without his or her full, free and informed consent. The phrase 'medical or scientific experimentation or treatment' is not defined in the Charter.

In my view, it is unlikely that testing for drugs and alcohol, including by urine tests under new section 458B, constitutes medical experimentation or treatment. This is because the purpose for which tests are administered is neither experimental nor therapeutic.

However, even if treatment is broad enough to encompass the taking of urine samples, then I consider that any limitation that new section 458B places on the right is reasonable and demonstrably justified under section 7(2) of the Charter. This is because only parolees subject to certain parole conditions can be tested, and the testing must be of a kind approved by the Secretary. The tests serve an important public purpose of ensuring that parolees comply with the conditions of their parole, which are directed to their own rehabilitation. In my view, there is no less restrictive means by which to ensure the testing scheme's efficacy.

Therefore I do not consider the right to freedom from medical and scientific experimentation to be limited by the bill.

Freedom of movement (section 12)

Section 12 of the Charter provides that every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where to live.

Currently, the Board has the power to impose conditions such as requirements not to visit particular places, to only visit places at specified times, to not contact specified persons or classes of person, or to attend rehabilitation. The amendments to section 458A that require the imposition of monitoring conditions in certain circumstances contribute to existing limitations on freedom of movement by facilitating the enforcement of conditions that may already be imposed by the Board.

Other new sections may also limit a person's freedom of movement, such as the obligation on a parolee to accept a visit by the Secretary at their residence any time that is reasonably necessary (new section 458A(4)) and the power vested in the Board or Secretary to give the parolee a direction (new section 458(5)). Whether those powers limit freedom of movement will depend on the way they are exercised.

However, in my view, any limitation that these provisions place on freedom of movement are demonstrably justified under section 7(2) of the Charter. First, the provisions do not themselves directly limit the freedom of movement, which is instead provided for by the existing power to make relevant conditions. Rather, the new sections merely provide for the gathering of information which facilitates the enforcement of existing limitations. Further, a parolee's compliance with those conditions forms the basis for their release from detention, which would otherwise more significantly limit their freedom of movement. Those conditions are directed to both the rehabilitation of the parolee and the protection of the community.

The clarification that the Youth Parole Board may impose a curfew condition on Category A and Category B serious youth offenders, to which an electronic monitoring requirement may be attached, does not impose any greater limitation on the right to freedom of movement than the Board's existing ability to impose a curfew as a special condition. For this reason, the amendment to specify that the Board may impose a curfew does not limit this right.

Right to freedom of association (section 16)

Section 16 of the Charter provides that every person has the right to freedom of association with others. As noted above, a consequence of the imposition of an electronic monitoring requirement may be that it facilitates enforcement of conditions imposed by the Board which have the purpose or effect of limiting a parolee's association with other specified persons (CYF Act, section 458A(3)(i)-(ii)). However, for the reasons I have outlined above, insofar as the new provisions further limit this right, I consider they are demonstrably justified.

Protection of families and children (section 17)

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

Electronic monitoring

Protection of the best interests of the child in the context of criminal law requires that the State must not take steps that hamper the child's full participation in their community, such as stigmatisation, social isolation, or negative publicity.

The wearing an electronic monitoring device may cause harm from the stigma associated with the device being seen in public. Consequently, the authorisation of the Board to impose electronic monitoring conditions is likely to limit the right of children under section 17(2). However, I consider that this limitation can be demonstrably justified in all the circumstances. First, while possibly having some detrimental effects, the use of electronic monitoring is also beneficial to young offenders' rehabilitation. It enhances the ability to ensure compliance with the conditions placed on a young

offender. Many of these conditions, such as residence and curfew conditions, facilitate the rehabilitation of young offenders by separating them from negative influences that contribute to their offending. Monitoring ensures greater compliance with these conditions and is therefore likely to enhance rehabilitation.

Additionally, the conditions are only required to be imposed where the Board considers it appropriate, having regard to a person's risk of re-offending, the extent to which the condition may reduce that risk, and the extent to which it may have adverse effects on the person. Consequently, the likely impact of the condition on rehabilitation is expressly taken into account at the threshold stage of considering whether to impose a monitoring requirement. Further, the provisions facilitate the granting of parole to young people whose risk of re-offending might otherwise require their continued detention. Release on parole facilitates rehabilitation, by allowing young offenders to re-integrate into the community under supervision. Therefore, to the extent that the imposition of electronic monitoring bands may cause some social isolation, I consider that in most circumstances that isolation would be less than would have resulted from their continued detention.

Finally, the provisions also serve legitimate non-rehabilitative purposes such as the protection of victims and the community generally. There is no less intrusive way in which to balance these competing objectives. For these reasons, I am satisfied that the limitation on section 17(2) created by new section 485A(2A) and its associated provisions is proportionate to the legitimate objectives that they seek to achieve.

Drug and alcohol testing

Additionally, I am satisfied that new s 458B, which is inserted by clause 10 and provides that if a person is released under a parole order that contains an abstinence, treatment or testing condition, the Secretary may direct the person to undergo drug or alcohol tests, does not limit the right of children to protection. The purpose of the testing is to promote rehabilitation, and it is consequently in the best interests of children who may be subject to the provision.

Presumption in favour of revoking parole

Clause 7A inserts new section 460D, which provides that where a young person is both on parole and subject to an electronic monitoring condition the Board will be required to consider whether to cancel their parole if the person:

- fails to comply with a parole condition which an electronic monitoring requirement relates to (such as a curfew or geographic limitation condition);
- fails to comply with a parole condition directly related to the electronic monitoring requirement (such as a requirement not to tamper with an electronic monitoring device); or
- is charged with or convicted of a further Category A serious youth offence or Category B serious youth offence, as defined in section 3(1) of the CYF Act.

The Board will be required to cancel the person's parole unless satisfied that circumstances exist that justify the continuation of the parole.

This provision may engage section 17(2) because it impacts upon a decision relating to a child's continuing liberty and the approach to rehabilitation, which section 17(2) requires must be in accordance with their best interests.

However, while the provision may engage the right, in my view it does not limit it. This is because, first, the provision itself is not the ultimate source of the constraint on liberty of the person. The sentence imposed by the court is the source of the limitation, and the imposition of that sentence by a court will be a limitation on liberty which is lawful and not arbitrary. The provisions of this bill do not purport in any way to alter the original sentence of the court. Rather, they alter the Board's approach to decision making regarding whether or not to revoke parole. They do not require automatic cancellation and, where a person can show that circumstances exist that justify the continuation of the parole, the Board is not required to cancel the parole. Consequently, I do not consider that new section 460D limits the right.

Amendments to provisions relating to transfer of detainees

Part 2, Division 4 of the Bill amends sections 467, 468 and 473 of the CYF Act, which each provide power to the Board in various circumstances to transfer certain detainees held in youth justice centres to a prison. Clauses 14 to 16 amend those provisions respectively to provide that if a young person has previously been transferred to prison under one of those provisions, appeals the sentence was transferred and is sentenced to youth justice detention on appeal, the direction by the Youth Parole Board to transfer to the young person to prison continues in respect of the sentence imposed on appeal.

The continuation of a transfer direction made by the Board do not result in any additional limitation on the right in s 17(2), as the Board already has the power to transfer young people to prison and this power remains unchanged. Additionally, the amendments to these provisions will not lead to additional transfers of children to prison. For these reasons, I do not consider that clauses 14 to 16 limit the right of children to protection.

Inhuman or degrading treatment (s 10(b)), the right to security of the person (section 21(1)) and the right to humane treatment when deprived of liberty (section 22(1))

Section 10(b)

Section 10(b) provides that a person must not be 'treated or punished in a cruel, inhuman or degrading way'. This right protects against both physical maltreatment as well as treatment or punishment that humiliates or debases a person, causes fear, anguish or a sense of inferiority. Maltreatment must reach a minimum level of severity in order to be degrading or inhuman. In a law enforcement context, that threshold may be met where the force that is used is grossly disproportionate to the purpose to be achieved.

The right may be engaged by the provision permitting the use of reasonable force on persons not consenting to the removal of their device or equipment in new sub-sections 461AA(7) and (8). However, those sections each contain an internal limitation, requiring that force used in those circumstances must be reasonable. Consequently, the authorisation that the legislation provides does not permit the use of force that would be inhuman or degrading.

Section 21(1)

Section 21(1) of the Charter provides that 'every person has the right to ... security'. This right protects individuals against intentional infliction of bodily or mental injury, regardless of whether the victim is detained.

Clause 8 of the Bill inserts new Divisions 6 and 7 of Part 5.5 of the CYF Act, dealing with removal of electronic monitoring devices. Under Division 6, new section 461AA provides that, in certain circumstances, an officer can remove the electronic monitoring device worn by the person or any equipment used for electronic monitoring, and can enter the person's residence for the purpose of that removal. The section also provides that police officers can remove electronic monitoring devices for any purpose. If practicable, the parolee is to be told that the removal will occur and that they may consent to that removal. However, if a person does not consent (or it is not practicable to obtain that consent) an officer can use reasonable force to remove the device from the person, and to enter the residence to remove the device or equipment. Officer is defined to mean either a police officer, police custody officer or a certain category of persons authorised under new section 461AB. Section 461AB permits the Secretary to authorise certain categories of persons to act as officers for the purpose of section 461AA.

While the removal of an electronic monitoring device and the equipment used for the electronic monitoring will reduce the interference with certain aspects of their right to privacy, any forcible removal will involve interference with their physical autonomy and integrity, and may possibly result in injury.

Insofar as the power under new section 461AA is used to forcibly remove a device from a person or enter their place of residence in a way that inflicts pain or causes psychological distress, the right to security may be engaged. However, for the reasons noted above, in my view the provisions do not limit the right. Specifically, the provisions require that where practicable a parolee must be advised that the device or equipment will be removed and that they may consent. Further, new section 461AA(8) only permits the use of 'reasonable force'. Consequently, where this provision is complied with it will not involve any limitation on the right to security of the person. Additionally, it is unlikely that this right will be limited in practice, as it is probable that most parolees will consent to the removal of the device and equipment.

Section 21(1) of the Charter also provides that every person has the right to liberty. Section 21(2) provides that a person must not be subject to arbitrary detention and section 21(3) provides that a person must not be deprived of his or her liberty except on the grounds and in accordance with procedures established by law.

As discussed above, clause 7B inserts new s 460D, which affects the Board's decision-making process relating to the cancellation of parole in certain circumstances under the CYF Act. For the same reasons stated above in relation to s 17(2) of the Charter, while new s 460D may engage the right to liberty, in my view it does not limit it.

As also discussed above, Part 2, Division 4 of the Bill amends sections 467, 468 and 473 of the CYF Act, which provide power to the Board in various circumstances to transfer certain detainees held in youth justice centres to a prison. However, for the reasons given above in relation to s 17(2), I

consider that the amendments will not create a further limit on the right.

Section 22(1)

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.

This right is relevant in circumstances where a person is deprived of liberty and in my view does not apply to persons released on parole, even where such a person is subject to electronic monitoring.

Section 22(1) is also relevant to the proposed amendments to sections 467, 468 and 473 of the CYF Act, to the extent that the detention of children in prison could constitute a failure to treat such children with humanity. For the reasons discussed above in relation to s 17(2), the amendments do not limit the right.

Property rights (section 20)

Section 20 of the Charter provides that a person must not be deprived of his or her property other than in accordance with law. A deprivation of property is, therefore, permitted where authorised by legislation and appropriately confined and structured.

As noted above, new section 458A(4)(d) requires a person subject to monitoring to accept any visit by the Secretary where they reside and new section 461AA provides that in certain circumstances an officer can enter a person's residence in order to remove a device or equipment used for monitoring. Where the person has proprietary rights in their residence (such as ownership of a house or a leasehold) then these provisions will engage this right by interfering with the right to quiet enjoyment. However, such an interference will not amount to a deprivation for the purpose of the Charter. Further, the interference is clearly one authorised by law, and therefore does not limit the right under section 20 of the Charter.

Right of a child convicted of an offence to be treated in a way appropriate for their age (section 23(3))

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. As noted above, Part 2, Division 4 of the Bill amends sections 467, 468 and 473 of the CYF Act, which provides power to the Board in various circumstances to transfer certain detainees held in youth justice centres to prison.

However, for the reasons specified above in relation to section 17(2), I consider that the amendments do not place any greater limitation on the right than the existing provisions.

Right to a fair hearing (s 24(1))

Section 24(1) of the Charter provides that a person charged with a criminal offence has the right to have the charge decided by a competent, independent and impartial court after a fair and public hearing.

Transfer decisions

As stated, clauses 14 to 16 of the Bill amend provisions relating to the transfer of certain detainees held in youth

justice centres to prisons. The amendments in these clauses confirm the continuing effect of an order of the Youth Parole Board to transfer a detainee to prison in circumstances where the detainee has been sentenced to youth justice detention on appeal.

As these amendments provide that a transfer decision continues in effect despite a court imposing a sentence of youth justice detention on appeal, the right to a fair hearing is relevant to clauses 14 to 16 of the Bill.

In my view, the amendments in the clauses will not operate so as to limit this right. The purpose of the amendments is to confirm that a transfer decision made by the Youth Parole Board exercising its discretionary power in relation to a detainee continues to have effect following an appellate court sentencing the detainee to detention in a youth justice centre. The Youth Parole Board has the power to transfer a detainee in youth justice detention to prison in certain circumstances. Additionally, section 471 of the CYF Act provides the Adult Parole Board with the discretion, in certain circumstances, to direct that a prison detainee under the age of 21 years be transferred to a youth justice centre, which means that a transfer decision can be reversed in certain circumstances.

These powers to transfer detainees may be exercised following the sentencing of a detainee to youth justice detention, and the amendments confirm that an order transferring a detainee to prison continues to have effect following a sentencing decision of an appellate court. However, the sentencing order of the appellate court remains in effect and is not undermined, given the possibility that, due to the operation of section 471, a detainee may be returned to youth justice detention. As the sentencing orders of appellate courts are not impeded by the amendments, I consider that clauses 14 to 16 do not limit the right to a fair hearing.

Youth control orders

Clause 24 of the Bill makes technical amendments to section 409Q of the CYF Act, inserting new sub-section (4). Section 409Q currently enables the court to revoke a youth control order on application by the child, the Secretary or Victoria Police. The new section merely amends the manner for effecting service of an application under this section. The amendments do not further limit the right to a fair hearing. For the reasons given when section 409Q was introduced under the Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017, I do not consider that the provision limits the right to a fair hearing.

The Hon Martin Pakula MP
Attorney-General

Second reading

Mr PAKULA (Attorney-General) (10:13) — I move:

That this bill be now read a second time.

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

The principal focus of the Children, Youth and Families Amendment (Youth Offender Compliance) Bill 2018 is on reforms to strengthen the operation of the youth parole

system. The Bill forms part of the Government's continued overhaul and modernisation of Victoria's youth justice system. It complements measures introduced in the *Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017* (Youth Justice Reform Act), recommendations made in Ms Penny Armytage and Professor James Ogloff's landmark report, *Youth Justice Review and Strategy: Meeting needs and reducing reoffending* (July 2017), record investment in secure and fit for purpose custodial infrastructure and additional staff, and the unprecedented expansion of young offender behaviour programs and services.

The Bill is also in line with broader criminal justice reforms that are aimed at keeping Victorians safe, including strengthened bail laws in response to the Honourable Paul Coghlan QC's review of the bail system following the Bourke Street tragedy in January 2017, the delivery of 3135 new police officers and the funding of 42 additional police Youth Specialist Officers to work in local communities and divert young people from a life of crime.

Despite an overall reduction in the number of crimes committed by young people in recent years, there is a small number of young people who enter the criminal justice system early and reoffend more often by committing serious offences that have a significant impact on the community.

These reforms make clear that the Government is committed to keeping the community safe by targeting violent young offenders and making the necessary investment across the criminal justice system.

Strengthening the Youth Parole System

The Bill will expand the Youth Parole Board's existing annual reporting obligations to include a statement on the purpose of parole and principles and factors the Board takes into account in making parole decisions. Extending the Board's reporting obligations to these matters will improve the transparency and accountability of its operations and decisions. This requirement will also be consistent with the obligation imposed on the Adult Parole Board as part of the recent reforms to the adult parole system.

The Youth Parole Board has for a long time imposed special conditions on youth parole orders. As the Board indicated in its most recent Annual Report, "(t)hese conditions can arise from the offending history or from reports indicating specific problems that are likely to interfere with successfully completing the parole order." They may involve, for example, a curfew, geographic exclusion zone or attendance at treatment, counselling or programs, as part of the parolee's supported transition back into the community.

Whilst the Board already has this power, the Bill will provide the Youth Parole Board with an explicit power to impose special conditions on youth parole orders to put this matter beyond any doubt. That is important given the role of special conditions in the youth parole system in providing a managed and supported transition of young offenders from custody back into the community, reducing young parolees' risk of reoffending and enhancing their rehabilitation prospects.

As a corollary to this clarifying amendment, the Bill also validates special conditions imposed on current and past parole orders and any decisions taken in relation to such conditions, such as their alleged breach forming part of the

basis of a decision to cancel parole. This provision aims to ensure that parole orders are administered and implemented in the manner that all parties have understood was intended.

One of the most significant aspects of this Bill is that, for the first time in Victoria, the Youth Parole Board will be empowered to impose electronic monitoring on some young offenders when they are granted parole.

During this trial, electronic monitoring will only be used for young offenders aged 16 years or older who are on parole after being in youth justice detention for committing a Category A or Category B serious youth offence. Category A and B serious youth offences were inserted in the *Children, Youth and Families Act 2005* (CYF Act) by the Youth Justice Reform Act and include certain death related offences, intentionally causing serious injury in circumstances of gross violence and aggravated home invasion.

For all offenders in this category, the Youth Parole Board will be required to consider whether to impose electronic monitoring as a condition of parole. An electronic monitoring condition can be attached to any parole condition that the Youth Parole Board is required to consider following the changes made by the Youth Justice Reform Act. These include that the young person not visit particular places or areas. To ensure that electronic monitoring is used to its full potential, this Bill will include a curfew condition in this category of parole conditions. A curfew can already be imposed by the Youth Parole Board as a 'special condition' — this amendment will ensure that a curfew is considered for all serious youth offenders and, if a curfew is imposed, that it may be supported by electronic monitoring.

In determining whether to impose an electronic monitoring requirement, the Youth Parole Board will need to be satisfied that it is appropriate in all the circumstances having regard to:

the parolee's risk of reoffending;

the extent to which the condition to which electronic monitoring is attached and the electronic monitoring requirement itself may assist in reducing the risk of reoffending; and

the extent to which the electronic monitoring requirement may have an adverse effect on the parolee's rehabilitation.

To support compliance with electronic monitoring conditions, and to recognise the seriousness of this cohort of young offenders, the Bill will create a presumption in favour of the Youth Parole Board cancelling a person's parole for breach of an electronic monitoring requirement — that is, a condition of a parole order to which an electronic monitoring requirement is attached (such as a requirement not to visit particular places or areas) or a condition directly related to electronic monitoring (such as tampering with, damaging, disabling or removing the device).

The parole cancellation presumption will also apply to a young person subject to electronic monitoring who is charged with or convicted of a Category A or Category B serious youth offence while on parole.

However, the Bill recognises that young people can be impulsive, and that some breaches of the electronic monitoring conditions — such as reporting late for a curfew — may be minor or technical. While the Board must

consider the cancellation of parole, it need not cancel parole if it is satisfied that circumstances exist that justify the continuation of the parole.

Information about, or derived from, the electronic monitoring of a parolee during the trial will be permitted to be shared between relevant people or bodies, such as the Police, the Department of Education and Training and the Department of Health and Human Services (DHHS), for the purpose of the administration or implementation of the parole order (including the electronic monitoring requirement and law enforcement purposes).

As shown in the survey results published in the *Youth Parole Board's Annual Report 2016–17*, a large portion of the custodial youth justice population has a history of substance abuse and substance abuse has a strong association with many detainees' offending. To assist in responding to that challenge, the Bill will establish a trial of the use of alcohol and drug testing of youth parolees. During the trial, the Secretary to the Department of Justice and Regulation may direct a youth parolee who is subject to an abstinence, treatment or testing condition to undergo testing.

The Bill requires the Secretary to have the trials of both electronic monitoring and alcohol and drug testing evaluated within two years of the trials commencing operation and provide a report of that evaluation to the Minister, who will be required to table it in Parliament within five sitting days of receiving it. Unless the Parliament takes action to continue their operation (with or without amendment), the electronic monitoring or alcohol and drug testing provisions will sunset after three years.

Appeals from the Children's Court to the County Court or the Trial Division of the Supreme Court proceed by way of a re hearing. If an appeal is successful the original sentence will be set aside and replaced by a new sentencing order. This has meant on occasions that a young person the Youth Parole Board has directed be transferred to prison due to violent or otherwise unmanageable conduct has been returned to youth justice custody under a new sentence imposed on appeal.

Youth Justice staff and other youth detainees have a right to be safe in the custodial environment. Violent behaviour is unacceptable and is not tolerated. Once the Board has determined that a young person is better managed in the adult system, this decision should stand. This Bill ensures that the Board's determination will continue despite the imposition of a new sentence.

The young person will not be disadvantaged by this — the decision to transfer a young person's sentence to prison is currently a decision for the Board. The Adult Parole Board has the power to return a young person who is in adult custody to youth detention, and this decision is only taken after consultation on whether that young person can be accommodated in a youth justice centre. The Adult Parole Board's discretion in this respect is unchanged.

Enabling the Children's Court to make its Own Rules in Family Law Matters

The immediate response to a family violence incident is predominantly a matter for state courts, which hear applications for family violence intervention orders, criminal matters, and matters involving child protection. Families experiencing family violence who also have family law issues

are then required to approach federal courts in order to resolve disputes involving the parenting of children and the division of property, or debt.

The requirement for families experiencing family violence to attend a separate jurisdiction, in a separate location, can mean that vulnerable families are faced with the stress and expense of telling their stories and seeking orders in multiple fora, which increases the risk of trauma for victims of family violence.

To reduce these risks and provide a better service to vulnerable members of the community, the *Family Law Act 1975* (Cth) provides that Magistrates' Courts can exercise limited family law powers.

In accordance with Recommendation 131 of the Royal Commission into Family Violence, the Commonwealth Government introduced the Family Law Amendment (Family Violence and Other Measures) Bill 2017 (Cth) into its Parliament on 6 December 2017. This Bill would, if passed, empower prescribed Children's Courts to also exercise limited family law powers, and provide that prescribed Children's Courts may use their own rules when exercising family law jurisdiction. However, the CYF Act must be amended to ensure that the rule making powers for the Children's Court of Victoria provide for the exercise of family law powers.

Accordingly, the Bill includes necessary amendments to the CYF Act to enable the Children's Court to utilise its own rules when exercising family law powers. Such amendments would also acquit Recommendation 133 of the Royal Commission into Family Violence, which provides that the Victorian Government amend the CYF Act to clarify that the Children's Court of Victoria has the same jurisdiction to make parenting orders under the Family Law Act as the Magistrates' Court of Victoria.

Technical amendments to the Youth Justice Reform Act

The Bill will also make amendments to the operation of the Youth Justice Reform Act to ensure the reforms work as intended following feedback from stakeholders.

The Bill will amend and streamline the service requirements for youth control order (YCO) revocation applications to ensure that revocations are dealt with promptly. It will also make it a requirement for the court, in sentencing a child, to take into account a report on the child prepared by the Secretary to the Department of Justice and Regulation to determine how to deal with the consequences of a YCO revocation.

The Bill also sends a clear message that criminal acts that are committed in youth justice detention facilities will not be tolerated. It confirms that persons who intentionally or recklessly cause injury to youth justice custodial workers, and persons who escape from or damage a youth residential centre, will be subject to a presumption that sentences of detention imposed for those offences will be served cumulatively on other periods of detention. These amendments are consistent with earlier reforms contained in the Youth Justice Reform Act.

Amendments will also be made to the *Bail Act 1977* to ensure that the courts take into account additional and particular factors when considering whether to grant bail to a person who is serving remand in a youth remand centre, and whose

bail application relates to further acts alleged to have been committed when the person was of or over 18 years. These additional factors are whether the accused has engaged in conduct that threatens the good order and safe operation of the youth remand centre, and whether the accused can be properly controlled in the youth remand centre. The amendment ensures that appropriate young people are held in youth remand centres.

Amendments to the Children Legislation Amendment (Information Sharing) Act 2018

The *Children Legislation Amendment (Information Sharing) Act 2018* (Children Information Sharing Act) established the child information sharing scheme (the scheme). Under the scheme, prescribed information sharing entities as defined in Regulations will be authorised to share information to promote the wellbeing or safety of children.

The Children Information Sharing Act made a number of consequential amendments to the CYF Act to simplify information sharing provisions and align the two pieces of legislation. One amendment expands the definition of 'information holder' in the CYF Act to include information sharing entities as defined in the Children Information Sharing Act.

This consequential amendment inadvertently captures courts and tribunals as 'information holders'. Information holders, courts and tribunals could potentially be subject to a direction from the Secretary to the DHHS to produce documents, give information or provide reasonable assistance in relation to a child who is the subject of certain protection orders. It was not intended that courts and tribunals be the subject of such direction.

The Bill therefore amends the Children Information Sharing Act to exclude courts and tribunals from the definition of 'information holder' in the CYF Act to allow them to be prescribed under the Children Information Sharing Act, whilst preserving their judicial independence. Once the amendment is made, it is intended that the Children's Court and Magistrates' Court will be prescribed as information sharing entities as part of the aligned implementation with the new family violence information sharing scheme established by the Family Violence Protection Amendment (Information Sharing) Act 2017.

I commend the Bill to the house.

Debate adjourned on motion of Ms RYAN (Euroa).

Debate adjourned until Thursday, 9 August.

JUSTICE LEGISLATION MISCELLANEOUS AMENDMENT BILL 2018

Second reading

Debate resumed from 24 July; motion of Mr PAKULA (Attorney-General).

Government amendments circulated by Mr PAKULA (Attorney-General) under standing orders.

Ms RYAN (Euroa) (10:15) — It is a pleasure to rise to speak today on the Justice Legislation Miscellaneous Amendment Bill 2018. This bill covers a wide range of areas. I think there are some 15 amendments to various acts being proposed, but there are two areas in particular that I wish to focus my contribution on today in the interests of time.

Firstly, there are amendments to the Coroners Act 2008 which propose changes that will enable families to apply for findings to be set aside if they appear to be against the weighted evidence in coronial investigations. Quite central to these changes is the case of Phoebe Handsjuk, although I do acknowledge there are a number of families who find themselves in a position where they are querying coronial findings. Back in November 2016 I did ask the Attorney-General to examine options to broaden appeal rights under the Coroners Act in order to give families more of an opportunity to question some of the outcomes in cases where I think the public and families have certainly had grave misgivings about particular cases. Phoebe's case was central to the request that I made at that time and to the legislation that is before us today.

Obviously Richard Baker and Michael Bachelard did an extensive investigation, as did Robin Bowles, who wrote extensively about Phoebe's death back in 2010. That I think gained a lot more public attention a couple of years ago when the *Age* did a podcast about her death and raised some really key questions in that case in that perhaps if decisions were made on the weight of evidence, then the family would have been able to appeal the coroner's findings.

I am sure many people in this place are aware, or I hope they are aware, of the circumstances around Phoebe Handsjuk's death in 2010. She fell down a garbage chute from 12 floors up and her right foot was severed when she went through the garbage compactor. The evidence of the case would indicate that it was not actually the fall that killed her but quite possibly the severing of her foot. From the outset her family believed that there were far more questions than answers in that case, and they were somewhat stunned when the coroner decided to make a closed finding in the case rather than an open finding.

Her grandfather Lorne Campbell, who is a retired police detective, conducted a series of his own tests around the case, where he actually reconstructed the chute that she fell down. He had several of her friends of a similar weight and size try to insert themselves down that chute and found that it was a very, very difficult thing to do. The coroner did ultimately rule that her death was one, effectively, of misadventure,

whereby she was affected by alcohol and Stilnox at the time. As I said, that did go against the recommendation of the counsel assisting in that case. My personal belief is that the coroner was wrong to make that finding at that time, and I think that the broader Victorian community, having reviewed some of the details of that case, probably would feel similarly about it.

I think this legislation is a step in the right direction. I am concerned that it does not go far enough, and indeed Phoebe's grandfather has come out subsequently and expressed his concern that it will not actually enable the Handsjuk family to appeal the findings in that case. But it is a step in the right direction, and I do commend the Attorney-General for being willing to review the circumstances of the Coroners Act 2008 with a view to broadening appeal rights. Unfortunately for Phoebe's family, unless there is substantially new evidence to come forward, they will not be able to appeal as is set out under this act. I would also like to commend the work of the shadow Attorney-General, the member for Hawthorn, who has said that if we are elected to government, we will endeavour to review these appeal rights, which I hope does offer families like those of Phoebe's some hope that perhaps one day they will be able to have their cases re-examined.

This legislation also means that the period of time for appeals to be launched will be extended from 28 days to three months, and I think that is an important change, because as we know it is incredibly costly for people to appeal findings to the Supreme Court from the Coroners Court. The review that the Attorney-General did into the Coroners Act came back with 11 different findings, and whilst the government accepted most of them there were three that I think were possibly quite important that they did not accept. They were that the government should fund the establishment of a client advocacy office within the Coroners Court, particularly with a high expertise in grief counselling; that the government should fund a centralised coronial legal aid service through Victoria Legal Aid to provide legal advice to interested parties relating to the coronial process; and that the government should fund a restorative justice program to enable families to resolve outstanding issues and questions following the conclusion of a coronial investigation. So there are a number of recommendations that the government has not picked up out of the review, which is somewhat disappointing to me, but I do acknowledge that this bill is a step in the right direction in hopefully giving some of these families a fair hearing.

The other issue that I wish to reflect on today concerns the changes that are being made under this omnibus legislation around emergency workers. This issue

obviously arose from a case recently where two women who had assaulted a paramedic did not face the consequences of their actions as a result of that because of extenuating circumstances, and that as we know provoked outrage within the Victorian community. The opposition came out quickly and strongly with changes that we believe needed to be made to those special reason exceptions, and again I think the government has not gone far enough. The plan we put on the table was much stronger.

I do wish to recount a firsthand perspective that I received from a paramedic in my electorate in the couple of days that followed that incident. She said:

As a workforce and I dare say as a community we are absolutely disgusted — we are angry — at the decision that was handed down in the County Court yesterday where two females found guilty of assaulting two of my colleagues had their jail terms overturned.

I am fully aware that when the mandatory jail terms were bought in, there were conditions of extenuating circumstances of which must be considered when handing down a mandatory sentence.

This is where my main concern lies. Typically (but by no means always), the patients that we attend that may be a risk to our health and safety generally have very similar stories to the two women today. My understanding was that the whole idea of mandatory sentencing was to let everyone know that we are not punching bags and that no matter your upbringing or life choices if you lay a hand on us you will go to jail. Since the mandatory sentencing and the change of focus at Ambulance Victoria where the number one priority above all else was our safety, we were starting to think that maybe our job would one day be safe. Of course our job is dynamic and we are placed in some pretty sticky situations but as a whole we thought we were heading in the right direction.

After yesterday all that hard work has now gone out the window.

That is the firsthand experience of someone who works on the job who deserves to be protected, and to that end I think the government would be well advised to consider the very strong plan that we have put forward.

Mr PEARSON (Essendon) (10:25) — I am delighted to make a contribution on the Justice Legislation Miscellaneous Amendment Bill 2018. The Attorney-General has circulated some house amendments to the bill which I will touch on briefly. The second amendment seeks to amend clause 9, page 10, line 29, by omitting ‘Coroners Court must’ and inserting instead ‘State Coroner must determine which coroner is to constitute the Coroners Court’. As I understand it, the purpose of this amendment is to enable another coroner to hear a case if that is determined by the State Coroner. Allowing the State Coroner to have that discretion and ability to ascertain whether the original coroner hears a

case or a different coroner hears the case is the purpose of that amendment.

I also draw the house’s attention to the new clause to be inserted by amendment 23. It will enable a review to be conducted into the operation and effectiveness of the amendments made to the Coroners Act 2008 within three years after the commencement of part 3 of the Justice Legislation Miscellaneous Amendment Act 2018. I think that is appropriate because that enables the executive to review this particular element of the bill. I think three years is an appropriate period of time because it allows the legislation and its implementation to be assessed and fine-tuned and for a determination to be made as to whether there is a need and requirement to leave it as it is or to make further amendments.

As previous speakers have indicated, one of the primary purposes of the omnibus bill is to impose a custodial order on those people who have been found guilty of assaulting first responders such as ambulance officers, sworn officers of Victoria Police and custodial officers. Like the member for Euroa, I received contact from a paramedic in my community on the night that the custodial sentence was overturned. It was a plea that something needed to be done. This paramedic in my community works part time. She has four young boys. She is a really kind, caring, decent person, and she loves being a paramedic. I think she has been a paramedic now for around about 10 years, and it is a job that she is really pleased and proud to perform and something she is really passionate about. When I speak with her about her role as a paramedic she always talks about the role with a level of pride and happiness in her career choice.

On this particular night — I think it might have been a Tuesday that the court made this determination — she contacted me and it was with just this feeling of outrage and despair, despair that her colleagues could be treated in this way, that she could be treated in this way simply as a result of going about discharging her normal duties and providing aid and assistance in a first responder capacity. There was that fear that this could happen again and again and again, and she contacted me to say, ‘You need to do something about this and you need to try to address this’. That is why we have moved quickly to bring forward a bill to the Parliament to address these concerns, because we do want to make sure that our first responders are protected and get the support that they need.

I am not quite sure how we got to this place. They say that the past is like a foreign country and they do things differently there, but I cannot imagine a time when it would ever have been appropriate to assault a

paramedic. I wonder if you went back 30 or 40 or 50 years, it rarely happened or it never happened or whether it did happen but it happened so rarely that we did not feel outraged or whether because we are living in a different society now and maybe drugs like ice are more prevalent and methamphetamine usage is more prevalent now than in the 1970s you see more instances like this. I do not quite know the answer. I am not sure how we find ourselves in this position but this is where we find ourselves, and I think the community overwhelmingly has reached the conclusion that enough is enough and that you cannot treat people in this way and think it is fair and reasonable.

There will obviously be extenuating circumstances in terms of if a person, for example, is on the spectrum or has got a disability. Of course there are going to be provisions in the bill to ensure that they are not caught up in this legislation, but it is more about sending a really clear signal that just because you are drunk, just because you are affected by drugs, that is not an excuse in and of itself to justify assaulting a paramedic or a police officer. That is not an excuse, and if you commit that offence, then there will be a custodial sentence imposed upon you.

As I indicated, the bill is also looking at narrowing the special reasons that have been used in the past, so that is another element as well. You do want to have some carve-outs there, you do want to provide for a degree of discretion, but you want to make sure that it is used in the most appropriate way possible. The statutory minimum sentences will not apply to offenders who are under 18 at the time of the offence. That is another important provision for people who are young, particularly if their cognitive state is not quite fully formed or if they are not quite mature. Those protections and caveats are there.

The bill also looks at providing the Director of Public Prosecutions (DPP) with a new power to appeal decisions of the County Court or the trial division of the Supreme Court. I think providing the DPP with those powers is welcome and would reflect the views of the community in terms of ensuring that the DPP can as of right be able to do this if they so choose.

There is another minor provision in the bill — but I think it is an important one — in response to the Augustin case. This relates to a recent decision by the courts where they deemed there was a flaw in the contract between a vendor and a real estate agent. Because the contract was deemed to be flawed, there was no obligation on the vendor to pay commission to a real estate agent. What the bill is seeking to do here is to try to close that loophole and address that, because

regardless of what people might think about real estate agents from time to time — and they do tend to get criticised as a profession and as a cohort — if they are offering a service and they provide a service, it is fair and reasonable that they are paid for that. In the event that you enter into a contract, you should be ensuring that you hold up your side of the bargain. The changes to the rebate statements under the Estate Agents Act 1980 ensure that that can be dealt with properly and appropriately. It makes sure that real estate agents are provided with a degree of comfort that they can enter into a contract, they can provide a service to the vendor and they can have the confidence that if the transaction proceeds, then they will receive payment for the services they have provided to the vendor.

It is an omnibus bill. There are a number of wide and disparate elements in it, but I commend the bill to the house.

Ms THORPE (Northcote) (10:35) — I rise today to speak on the Justice Legislation Miscellaneous Amendment Bill 2018. This bill is an omnibus bill that covers a range of areas, but today I intend just briefly to address the proposed changes to sentencing. The Greens will make a fuller statement on this bill in the upper house.

This bill proposes mandatory sentencing for injury offences committed against emergency workers, custodial officers and youth justice custodial workers who are on duty, as well as the offences of aggravated carjacking and aggravated home invasion. The Greens have a longstanding position against mandatory sentencing and statutory minimum sentencing for any offence. We do not support the creation of specific offences and punishments. The Greens believe it is critical to maintain the discretion of the courts to apply a sentence relating to the specific circumstances of each case.

We are deeply concerned by the level of abuse experienced by our emergency service workers, including our ambulance and hospital workers. No-one should have to work in an environment where they are at risk of being injured. Everyone deserves to be safe at work, but this is not the way. Mandatory sentencing will not act as a deterrent. When someone is mentally ill and lashing out at themselves and everyone around them, they do not stop to think, 'How long will I get in jail for this?'. That is presuming they even know about this change in the law, which seems highly unlikely. Mandatory sentencing will simply exacerbate social disadvantage and injustice. It disproportionately incarcerates vulnerable groups whose offending is related to entrenched disadvantage, intergenerational trauma and inequality.

The Greens are not alone in our deep concerns regarding this bill. The Federation of Community Legal Centres, the Law Institute of Victoria and the Victorian Aboriginal Legal Service, and a large range of community service groups, such as mental health carers and family violence organisations, have all indicated their dismay at the introduction of this bill. Their concerns are numerous. I will briefly outline them. They include the lack of stakeholder consultation regarding this bill beyond the police and ambulance unions; the lack of proportionality in the laws — all injury offences to emergency workers are to be classified in the same category as murder and rape; and armed police are to be considered as vulnerable emergency workers. These are human rights concerns, particularly in regard to the disproportionate effect this bill will have on vulnerable persons, such as those with mental health conditions and young persons, bearing in mind that ambulance paramedics and police are often called upon to incidents involving persons with mental health issues and/or drug-related issues.

The concerns also include increased risk of disproportionately incarcerating Aboriginal and Torres Strait Islanders, already 12 times more likely to be in prison than non-Aboriginal people. Aboriginal people suffer more ill health and more mental illness than non-Aboriginal people, and are thus more likely to be in contact with these workers in a distressed and disturbed state. They are also over-policed, so mandatory sentencing is a recipe for disaster for my people.

Mandatory sentencing also increases the risk that frontline workers, families or victims of family violence will not call 000 because of their fears regarding a patient, relative or partner's subsequent prosecution and incarceration. Concerns also include the perverse effects of mandatory incarceration on the justice and correction systems and the lack of any evidence of its effectiveness in either preventing crime or making communities safer.

Next is the concern about the interference in the independence of the judiciary and the proposal to introduce a legislated imbalance between consideration of punishment, rehabilitation, deterrence and community protection. Courts and judicial officers are very experienced in weighing up all the circumstances and considerations of any particular case, and in the vast majority of instances they get the balance right. The Director of Public Prosecutions (DPP) can always and often does appeal sentences it thinks are too lenient.

Finally, the concerns include the creation of a victims hierarchy, whereby an injury to an emergency worker is deemed more serious than an injury to any member of

the public or a child, for example. The courts already take this into account when sentencing. The Greens have met with stakeholders who have reiterated these concerns in the strongest terms. Mandatory sentencing is contrary to the principles of natural justice and judicial discretion and to the independence upon which our court system is based. Every case is different and will often involve a complex set of circumstances around the commission of the offence and the offender.

Judicial officers are required to consider, among other things, the future safety of the community, the aggravating and mitigating circumstances of the offence and that justice is served. The particular circumstances of the victim of a crime such as assault will also be considered by judges — for example, whether the victim was a child, a domestic partner, an older person, a disabled person, an emergency worker or a person in any other occupation assisting or working with the public. This can be difficult, but our judicial officers have been able to successfully balance these factors in the vast majority of cases for decades. Appeals can and have been lodged by the DPP if it feels a sentence was inadequate.

Mandatory minimum sentences can seem to be the solution when the public feel that a sentence is too low. However, the public is rarely made aware of all the circumstances and evidence involved in a particular case, and it has been shown that when they are, the majority either agree with the sentence imposed or feel it was too harsh. Mandatory minimum sentences inhibit the ability of judicial officers to impose a sentence which is proportionate to the circumstances of a particular offence and are a particular problem when a magistrate or judge is unable to fully apply the mitigating circumstances to a case which would otherwise result in a person receiving a lesser sentence than the mandatory minimum. Mandatory sentencing also blocks Aboriginal people's right to undertake the Koori Court process, where cultural considerations are taken into account. Mandatory minimum sentences do not prevent future crimes being committed but will see a larger proportion of people serving jail time when that may not be the necessary or the best outcome in a particular case.

It is deeply disappointing that the Andrews government is taking its lead from the Leader of the Opposition on justice policy and creating a race to the bottom on law and order issues, particularly on these mandatory sentencing laws. We have seen mandatory sentencing in the Northern Territory deepen social inequity and injustice, particularly for Aboriginal people. To think a supposedly progressive government would introduce it

in Victoria is deeply disturbing. The Greens will be looking to amend this bill in the upper house.

Ms SHEED (Shepparton) (10:43) — I rise with a heavy heart to speak on the Justice Legislation Miscellaneous Amendment Bill 2018. It is heavy for a lot of reasons, one being that it appears that nobody on that side of the house is going to speak up for so many people in our community, and it is the same on this side. We have got an agenda driven by the *Herald Sun* that is really concerning to me. I will not touch on many aspects of what is in this bill today because I am not in opposition to much of it. However, I am strongly opposed to mandatory sentencing and cannot countenance being a member of this place and not speaking about my concerns.

Let me start by saying I have great regard for emergency services workers in this state. They do very difficult and demanding work, which many of us would be disinclined to do. Indeed over the years I have known many people who have worked in these areas, particularly in hospitals, and they have been the victims of perpetrators who have been violent towards them. There are many laws in place to deal with these offenders, and they are dealt with.

I have been a member of the legal profession for over 40 years. I have read widely on this topic and spoken to many people at the coalface in our court system. Many of their views will be reflected in my contribution. Court users agree that the courts of this state are underfunded and understaffed. The *Herald Sun* — which I hate quoting — today refers to the fact that every cell in the state is presently full. Our prisons are full. Every cell across this state is full of people who are now unable to be dealt with. So many people are now being held on remand. Many of these people will subsequently be found innocent of any charges, but there it is.

The causes of these problems include funding cuts by successive governments but also a growing animosity among political participants towards the judiciary and its officers. This animosity is worrisome because an independent, adequately funded and respected judiciary is central to the maintenance of the rule of law and the separation of powers — two principles upon which continued peace and prosperity for our society absolutely rely.

The Magistrates Court in this state bears the burden of this animosity. Far from being in ivory towers, magistrates live and work in the city, in the suburbs and in our regional centres, where their workloads increase and where they continually face growing criticism about

their ‘soft sentencing’. This is a fictitious phenomenon never actually reflected in the statistics that record their work or in the courtroom. It would be very salutary for many of the people in this place to go and sit in a Magistrates Court, look at the number of cases magistrates have to deal with on a daily basis and then continue to criticise them for the decisions they make.

The lessons of history will tell us that a degraded and politically meddled-with judiciary assures us of bad and unfair outcomes caused because sentences are imposed without thought, without regard to proportionality, without aim, without purpose and without a considered and objective mind. A Parliament that cuts and criticises the judiciary and then complains about its capacity is thinking only of using its basest instinct and about the next election. This arises from a hot and fleeting temper to do retribution to those it sees as bad.

It is not a Parliament concerning itself with what really works. Mandatory sentencing laws are bad laws, and they have proved to be so in so many other jurisdictions. They have been repealed in other jurisdictions. They will prove to be bad here.

The Law Council of Australia, the Law Institute of Victoria and the Victorian Bar Council all stand against this legislation, as do so many of our community legal services. They are the people who see this in operation every day. So many other organisations also do. Much has been written about this, and I acknowledge John McPherson from Bendigo, a solicitor who has written an excellent paper on this topic that summarises it particularly well.

While mandatory sentencing may be great for electoral politics, it is simply bad policy. All of the organisations I have mentioned regard it as bad policy and say that it leads to individual unfairness and negative outcomes. It fails to make the community safer — there is no evidence that it does that. Mandatory sentencing brings about unjust and anomalous, disproportionate sentences. Why should judges not have discretion? They have all the facts before them. They are the only ones who can make a considered decision on an individual basis that will provide justice for the people involved. I do not doubt that sometimes they might get it wrong. Who doesn’t? Who does not make mistakes in our society? Is there anyone here who can say they have never made a mistake in the role and duties that they undertake?

Mandatory sentencing results in higher imprisonment levels. Our prisons are full. New beds are coming online, and they were announced recently, but mainly for the worst offenders. Again, our prison cells are full.

All the cells at our police stations today are full. This is just a situation that a law like this will do nothing to help. It will increase the load on the prison system, and it will not improve. In Victoria nearly 45 per cent of prisoners released from jail return within two years, while 25 per cent of people within the community corrections punishment system come back within two years. The difference between the two is amazing, and I think a properly functioning community corrections system is actually shown to be much more effective. It is much more likely to be able to bring into place rehabilitation and hook people into the services in the community that they need. In a situation where people are spending a mandatory six months in jail they are unlikely to get any access to rehabilitation in that time.

Imprisonment is extraordinarily expensive. In the 10 years to June 2017 the Victorian prison population increased by more than 70 per cent. This may not sit well with many in this house and the tabloid press, but what it represents is that instead of being soft on crime, magistrates and judges are doing the opposite and putting away people in great numbers. Mandatory sentencing does not do away with the discretion in the judicial process; it transfers it to the police and to prosecutors. So instead of judges now exercising the discretion knowing all the facts, the police will decide what charges they will lay. They will become the masters of the decision about what charges are laid, and I find that a very concerning and pretty scary prospect. It is absolutely inappropriate that they should be given that level of discretion.

Mandatory sentencing undermines public confidence in the justice system generally and in judges in particular. Why should judges be given the discretion in every other case but not in this particular situation that we are legislating on today? They have shown themselves for so long to be able to exercise their discretion appropriately, and let me tell you that evidence shows that community members, when they are informed of all the relevant facts, when they consider what the appropriate sentence should be and what is fair, often consider that what judges do is over the top. The Sentencing Advisory Council has run a number of tests on this and they have found each time that people actually are more lenient out there in the community than are our judges.

Mandatory sentencing disadvantages the most vulnerable members of our society: young Indigenous people, people with mental illness, disabled people and those more sinned against than sinners in our society. There is a serious risk that a law such as this will deter people in our community who may have family members with mental illness from actually calling an

ambulance. It is just an awful situation to think that you may be dealing with someone in your home who is extremely unwell, who is impacted in some way and who might lash out, but you are too afraid to call emergency services in this state because they might lash out, because something might happen — and not because they are deliberately intentionally being violent but because they simply cannot help themselves; it is their condition. We do not live in a society where we want people treated like that.

On family violence, here we have had the Royal Commission into Family Violence. It is totally counterintuitive to now have a law such as this which will make people who are the victims of family violence anxious about calling the police, about calling others to come to their home to assist them. Why would they? So many times the last thing that person wants is for their partner to be jailed for six months mandatorily. It takes away the discretion. It is bad law; it is bad policy, and I am opposed to it.

Ms VICTORIA (Bayswater) (10:53) — Today I rise to speak on the Justice Legislation Miscellaneous Amendment Bill 2018. My colleague the member for Hawthorn, the shadow Attorney-General, has spoken at length about the various components of this bill because obviously it is an omnibus bill that deals with so many different amendments that need to happen across so many different pieces of legislation.

In my capacity as shadow minister for consumer affairs I would like to deal specifically with the amendments relating to the Estate Agents act 1980, obviously in light of what has been happening with the Real Estate Institute of Victoria (REIV) and the contracts that were sanctioned by the REIV, and I will get onto that in a moment. This bill does amend the Estate Agents Act 1980, and in particular I want to talk about part 7 of the bill. ‘Part 7 — Amendment of Estate Agents Act 1980’ is there to make some changes that should have been made pre-Christmas. If I go to the actual ideas behind the act, it is there for the regulation of estate agents, including licensing, professional conduct and also administrative requirements.

According to the explanatory memorandum for the bill, section 49A of the Estate Agents Act provides that estate agents must not seek payment for work done on behalf of the vendor unless the written engagement contains a rebate statement that complies with the act. The Estate Agents Act provides that a rebate statement is compliant if it is in a form approved by the director of Consumer Affairs Victoria (CAV) and — and this is crucial, this particular point — contains certain other statements, including a statement that the estate agent is

not entitled to retain any rebate and must not charge the client an amount for any expenses that is more than the cost of the expenses. In addition, an agent is not entitled to sue for or recover or retain any commission or money in respect of a transaction unless the agent has complied with the rebate statement requirements.

I was notified that there was an issue with section 49A late last year. It was a very fleeting sort of comment and I thought this was something that was being dealt with by the government. I was assured at the time that the estate agents who this was affecting had in fact made representations to the REIV, which had made representations to Consumer Affairs Victoria, and that this was being dealt with. In fact they were given assurances by the then advisor to the minister that in fact legislation would be introduced into this Parliament before Christmas last year. As a result of the government's tardiness on this there have been businesses that have been very close to going to the wall.

In essence what happened was the REIV had these statements drawn up — they are exclusive statements — and there was a short form. The short form did not contain all of the relevant wording according to Consumer Affairs Victoria. However, it was signed off by the director of CAV back in early 2010 under the previous Labor government. Of course these forms have now been discovered to be not quite right, and one particular case has gone through the courts and has cost the owner of that business almost \$1 million to fight. They lost the case because the judge had to go to the letter of the law. What we did was say, 'This can't happen to anybody else'. We knew that there were three or four other cases pending — now I believe it is more like five or six — and those cases have been put in jeopardy because of the tardiness of this government in bringing these changes in. They were promised before Christmas and of course could have resolved things very quickly for a whole lot of family businesses.

Real estate agents often get a bad rap, and that is very unfortunate because there are a lot of very, very good estate agents who run their practices very well and legitimately. There was no doubt in the people's minds that in fact they had received the services of these estate agents and that a commission was due, but what happened of course was because of the anomaly in these contracts they thought they would try it on. The vendors who had engaged the services of the agent and had legitimately received an outcome tried it on through the courts and said, 'Contractually we're not obliged to actually give this money over'. So what we sought to do was go to the minister, and I brought this up in the house several times and in the precinct with

the minister, and say, 'You've got to do this and you've got to do it really quickly'. The tardiness, as I say, has brought another few cases into doubt and has cost a lot of really good, honest businesspeople a lot of money.

I say shame on the government for not having responded to the request of the industry sooner and for not seeing the liability that was then placed on it with the cases, with not only the estate agents tying the REIV into their cases but then the REIV joining Consumer Affairs Victoria to those cases. What it has basically done is left a whole lot of people vulnerable and of course has exposed the people of Victoria as taxpayers. The calculation on the potential cost of this is that, had these changes not been brought in, it could have in fact been hundreds of millions, if not perhaps billions, of dollars of compensation, with the state of Victoria being the one who would have had to foot the bill. It is certainly not fair, and if the government had listened earlier, we would have had those changes made.

Business interrupted under sessional orders.

ABSENCE OF MINISTER

Mr ANDREWS (Premier) (11:01) — I advise that the Minister for Industrial Relations will be absent from question time today and that the Minister for Roads and Road Safety will answer any questions in the industrial relations and Aboriginal affairs portfolios and the Minister for Health will answer any questions in the women and prevention of family violence portfolios.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Electorate office staffing entitlements

Mr GUY (Leader of the Opposition) (11:01) — My question is to the Premier. Gavin Jennings last night gave evidence to the upper house Privileges Committee hearing that all Labor MPs were briefed on the Labor red shirts campaign scheme. He also gave clear evidence that you knew of the 60-40 payment split and you knew that taxpayers were being billed for the red shirts campaign work. Given this evidence contradicts what you have said to this Parliament in the past, do you reject the evidence Mr Jennings gave last night under oath?

Honourable members interjecting.

The SPEAKER — Order! The Attorney-General will come to order.

Mr ANDREWS (Premier) (11:02) — I thank the Leader of the Opposition for his question. What I reject

is his interpretation, active as it is. I would simply refer the Leader of the Opposition to the Ombudsman's report. Moreover, I would refer him to the specific reference in that report and finding of the Ombudsman that all members of Parliament involved in these arrangements acted in good faith.

Honourable members interjecting.

The SPEAKER — Order! There has been too much noise coming from both sides of the house on different occasions. Members will be removed from the chamber without warning.

Supplementary question

Mr GUY (Leader of the Opposition) (11:03) — Premier, you have said to this Parliament that you were not at any campaign committee meetings where the red shirts payment method was discussed — contradicted by Mr Jennings. You claimed no MP raised any probity issues with the red shirts with you — contradicted by Mr Somyurek. Now we have learned from Mr Jennings's evidence that all Labor MPs were briefed on the details of the scheme at a Labor caucus retreat. Premier, how can anyone believe your claim that, despite being Leader of the Labor Party and on the campaign committee, you knew nothing about the payment of Labor red shirts from electorate office budgets when it seems every other Labor MP did?

Honourable members interjecting.

The SPEAKER — Order! I remind members, if they need reminding, that I have ruled in this place before around questions. I am going to allow the question, but questions and answers in this place should relate to government business, and there are very clear previous rulings that relate to parliamentary administration and administration from previous terms that mean that parts of this question and parts of this answer are not government business. An Ombudsman's report is government business.

Mr ANDREWS (Premier) (11:04) — I will again refer the Leader of the Opposition to the Ombudsman's report. I make the point in answering his question that the Leader of the Opposition continues to put things to me that he rather hoped to be the case but that in fact are not the case. He thinks that he can verbal and re-verbal and verbal again each and every one of the people he has referenced in his question. It is obviously inaccurate, and I would refer him to the Ombudsman's report. He does not like the fact that the Ombudsman found that each and every member of Parliament involved in these arrangements acted in good faith.

Honourable members interjecting.

The SPEAKER (11:05) — Order! The member for Kew will leave the chamber for the period of 1 hour. The Leader of The Nationals on a point of order.

Mr Walsh — On the issue of relevance, Speaker. I would ask you to bring the Premier back to actually answering the question. The question was not —

Mr T. Smith interjected.

The SPEAKER — Order! I ask the member for Kew to apologise. I invite the member for Kew to apologise.

Honourable members interjecting.

Questions interrupted.

NAMING AND SUSPENSION OF MEMBER

Member for Kew

The SPEAKER (11:05) — I name the member for Kew.

Ms ALLAN (Minister for Public Transport) (11:05) — I move:

That the member for Kew (Mr Smith) be suspended from the service of the house for the remainder of the day's sitting.

House divided on motion:

Ayes, 46

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

Noes, 35

Angus, Mr

O'Brien, Mr D.

Battin, Mr	O'Brien, Mr M.
Blackwood, Mr	Paynter, Mr
Britnell, Ms	Pesutto, Mr
Bull, Mr T.	Riordan, Mr
Burgess, Mr	Ryall, Ms
Clark, Mr	Ryan, Ms
Crisp, Mr	Smith, Mr R.
Dixon, Mr	Smith, Mr T.
Fyffe, Mrs	Southwick, Mr
Gidley, Mr	Staley, Ms
Guy, Mr	Thompson, Mr
Hodgett, Mr	Victoria, Ms
Katos, Mr	Wakeling, Mr
Kealy, Ms	Walsh, Mr
McCurdy, Mr	Watt, Mr
McLeish, Ms	Wells, Mr
Morris, Mr	

Motion agreed to.

Honourable member for Kew withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Electorate office staffing entitlements

Questions resumed.

The SPEAKER (11:11) — I have previously today warned members not to shout across the chamber or they will be removed from the chamber. During that division the members for Bass, Mordialloc, Burwood and Frankston all defied that ruling and I ask them to leave the chamber for the period of 1 hour.

Honourable members for Bass, Mordialloc, Burwood and Frankston withdrew from chamber.

The SPEAKER — Before the interruption I believe the Leader of The Nationals was on his feet for a point of order.

Mr Walsh — Thank you, Speaker. My point of order was on the issue of relevance and bringing the Premier back to answering the question. The question was about the sworn evidence of Mr Jennings and Mr Somyurek in the upper house. It was not actually about the Ombudsman's report. I ask you to bring him back to answering the question about the sworn evidence of his colleagues who are contradicting what he has been saying in this house and actually answer that question.

Honourable members interjecting.

The SPEAKER — Order! I understand the point of order. I just previously ruled on the asking of questions and answering questions around what is and what is not

government business. The Ombudsman's report clearly is government business. The Premier was being responsive to the question that was asked. The Premier has concluded his answer.

Ministers statements: school breakfast clubs

Mr MERLINO (Minister for Education) (11:13) — I rise to update the house on how the government is delivering for vulnerable students in Victorian schools. I am very pleased to advise the house that the Andrews Labor government's breakfast club program has now served over 5 million breakfasts to students across Victoria. We are making things fair so that all kids can reach their potential regardless of their background or their circumstances. There are now 500 schools serving 50 000 students every week a healthy, Victorian-produced breakfast. That is tens of thousands of students who no longer have to struggle to learn on an empty stomach. Unfortunately every time we return to government we have to repair the damage done to our education system by those opposite, particularly the attacks on our most vulnerable kids.

Honourable members interjecting.

Mr Clark — On a point of order, Speaker, the Minister for Education is now debating the issue, making false attacks on other members of Parliament. I ask you to bring him back to compliance with sessional orders.

The SPEAKER — Order! The Deputy Premier was beginning to stray from making a ministers statement, and I ask him to come back.

Mr MERLINO — No-one will ever forget the cut to the education maintenance allowance (EMA) by those opposite, affecting the poorest families in Victoria and the poorest kids.

Honourable members interjecting.

The SPEAKER — Order! The Deputy Premier will come back to making a statement.

Mr MERLINO — Since being elected we have funded school uniforms through State Schools Relief. We have introduced the Camps, Sports and Excursions Fund to replace the EMA. We have increased needs-based funding to schools by 70 per cent. We have not gone through the shameful routine of a commission of audit followed by cuts and closures.

But there are others who are committed to this alternative policy, and where do they get their ideas from? From the King of Cuts himself. Let me go

through the list: 8000 teachers sacked, 300 schools closed, cuts to disability support services, cuts to student welfare, cuts to career education, cuts to English as a second language — Kennett's 100 cuts. And they will do it again.

Honourable members interjecting.

The SPEAKER — Order! I warn the Deputy Premier.

Honourable members interjecting.

The SPEAKER (11:15) — Order! The member for Rowville will leave the chamber for the period of 1 hour.

Honourable member for Rowville withdrew from chamber.

Public sector employee information

Mr PESUTTO (Hawthorn) (11:15) — My question is to the Premier. Yesterday Gavin Jennings told upper house question time that there was no FOI request for details of government staff, including their names and salaries, and yet that information was released by the government to, and broadcast on, national television. Premier, who was the person in your office who handed the names and personal details of government staff to Channel 7?

Mr ANDREWS (Premier) (11:16) — The member for Hawthorn is making claims with no foundation at all and putting forward conclusions in his presentation as matters of fact. That is not the case at all. We have the arbiter of facts over here —

Mr Pesutto — On a point of order, Speaker, on relevance, I was not asserting anything. I was just asking the Premier very clearly who in his office, whether Adam Sims or anyone else, released this information to Channel 7.

Ms Allan — On the point of order, Speaker, I ask that you rule the point of order — the gratuitous point of order — out of order. The Premier is entitled to refute the unfounded allegations that were made in the question, and I ask that you allow the Premier to continue to respond to that question.

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

Mr ANDREWS — As I said, the member for Hawthorn is asserting things to be facts, and in that he is simply wrong. And what a sad day it would be if the

member for Hawthorn was the arbiter of what was a fact and not. That would be a great day, wouldn't it?

As was made very clear yesterday, when it comes to documentation relating to FOI applications, those matters are independent of government, as they should be — something that would be news to the former chief counsel over there, who had a very different way of doing things —

Honourable members interjecting.

The SPEAKER — Order!

Mr Guy — On a point of order, Speaker, on relevance. The Premier is talking about FOI applications. As the question was put to him by the member for Hawthorn, and as Gavin Jennings has said, there was no FOI application. We are talking about a data leak from the Victorian government about which the member for Hawthorn has put a question to the Premier to answer, and I ask you to bring him back to answering it.

The SPEAKER — Order! I cannot direct the Premier how to answer the question. The Premier is being responsive to the question. The Premier has concluded his answer.

Supplementary question

Mr PESUTTO (Hawthorn) (11:18) — Given that releasing personal details of government staff is a clear breach of the Privacy Act 1988, and potentially the Crimes Act 1958 as well, why have you not initiated a full independent investigation into who in your government authorised the release of this private information to ensure that those who broke the law face the full force of the law?

Mr ANDREWS (Premier) (11:19) — Given the member for Hawthorn is rather keen to quote the Special Minister of State, Mr Jennings in the other place, he perhaps should look at the answers that Minister Jennings provided in question time in the other place yesterday where he referred to the Secretary of the Department of Premier and Cabinet — or head of the public service — the information commissioner and a whole range of other processes. You would be best served, member for Hawthorn, to refer to those answers.

Ministers statements: JobsBank

Mr CARROLL (Minister for Industry and Employment) (11:19) — I rise to update the house on how the Andrews Labor government is assisting

disadvantaged jobseekers into work through our flagship JobsBank program. JobsBank is linking leading Victorian businesses with some 200 jobseekers and getting them into meaningful employment. Some of our state's biggest employers, including Bombardier, John Holland, NAB, AGL and Linfox, have all pledged jobs through this flagship program.

JobsBank is changing lives. If I take young Chris, who I met recently. He was unemployed for over eight years through a range of difficulties in his life. Thanks to the Andrews Labor government's JobsBank program Chris has turned his life around. He has been given training and employment support and is now working at Coleman Rail on some of our state's most exciting rail projects throughout Victoria.

Three times the number of jobs, 10 times the number of projects — JobsBank is changing lives. Over 7000 unemployed Victorians have found work since 2016. But this is all at risk. I ask someone to please give Miley Cyrus a call because the Leader of the Opposition has Jeff on the wrecking ball. Make no mistake: when the one-man band comes back, we know one song the opposition leader will be singing.

Honourable members interjecting.

The SPEAKER — Order! The minister will resume his seat. The minister will refrain from attacking the opposition. I ask him to come back to making a ministers statement.

Mr CARROLL — What did Jeff last do? Cut, cut, cut.

Honourable members interjecting.

The SPEAKER (11:21) — Order! The minister will resume his seat. The member for Hawthorn and the member for Thomastown will leave the chamber for the period of 1 hour.

Honourable members for Hawthorn and Thomastown withdrew from chamber.

Honourable members interjecting.

The SPEAKER — Order! The Leader of The Nationals is warned.

Mr CARROLL — When Jeff comes back the Leader of the Opposition will be singing that old Buck Owens classic *It's Crying Time*.

Honourable members interjecting.

The SPEAKER — Order! The minister will resume his seat. The minister has concluded his statement.

Privacy and data protection

Mr GUY (Leader of the Opposition) (11:22) — My question is to the Deputy Premier. Given that the inappropriate access and release of government staff, salary and personal details may have constituted a breach of the Crimes Act 1958 and breached misconduct in public office provisions investigable by IBAC, Minister, how did you obtain this information? Who provided you with the background to this issue when you went out to comment on it on Monday? Was it your office or the office of the Premier?

Honourable members interjecting.

The SPEAKER (11:22) — Order! The member for Oakleigh will leave the chamber for the period of 1 hour.

Honourable member for Oakleigh withdrew from chamber.

Mr MERLINO (Minister for Education) (11:22) — I thank the Leader of the Opposition for his question.

Honourable members interjecting.

The SPEAKER (11:22) — Order! The member for Ringwood will leave the chamber for the period of 1 hour.

Honourable member for Ringwood withdrew from chamber.

Mr MERLINO — I completely reject the question from the Leader of the Opposition. I was responding to questions from a journalist. The only reason —

Honourable members interjecting.

The SPEAKER (11:22) — Order! The member for Gembrook will leave the chamber for the period of 1 hour. I ask members to stop shouting across the chamber. The Leader of the Opposition, I think, was on his feet raising a point of order.

Honourable member for Gembrook withdrew from chamber.

Mr Guy — On a point of order, Speaker, of relevance. It was a very straightforward question. It was who backgrounded the minister before he went out to this press conference, and I ask you to bring the minister back to the question.

Mr Pakula — On the point of order, Speaker, the minister has already clearly indicated that he was

responding to questions from a journalist. If the opposition is signalling that in government it will conduct media witch-hunts to try and find out the source of the journalists' stories, it ought to say that to the gallery now.

Mr Clark — On the point of order, Speaker, the question was not about who invited the minister to come and give comments to the media. The question was about who backgrounded the minister before he went out to provide comment to the media and whether that backgrounding came from his office or from the Premier's office. The minister is not directing himself to the question that was asked, and I ask you to bring him back to answering that question.

The SPEAKER — Order! I am not in a position to be able to rule on this point of order because I could not hear the minister's answer that he just started. I note that he has well over 2 minutes to conclude his answer. I ask the minister to answer the question.

Mr MERLINO — The question was based on a false assumption, and the only reason that there is outrage from those opposite is that they have been caught out —

Mr R. Smith — On a point of order, Speaker, you have already directed the Deputy Premier to answer the question as a result of the point of order put by the member for Box Hill. That is not an invitation for the Deputy Premier to get up and say, 'The question's wrong'. You have already ruled it is right, and he should answer it.

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

Mr MERLINO — The only reason there is outrage today is that they have been caught out — Liberal staffers, not on leave, campaigning.

Mr Clark — On a point of order, Speaker, the minister is both misleading the house and debating the issue. I ask you to bring him back to answering the question as asked.

The SPEAKER — The minister did start answering the question then on the wrong foot.

Supplementary question

Mr GUY (Leader of the Opposition) (11:25) — The Secretary of the Department of Premier and Cabinet says there was no FOI request about former government staff. The Secretary of the Department of Education and Training last night confirmed there was

no FOI request in her department. Gavin Jennings has confirmed there was no FOI request across government. Minister, when you went out to comment to the media on what you said was an FOI request and briefed the media around personal details of government employees, who in the government asked you to do it, or was it your own idea?

Honourable members interjecting.

The SPEAKER — Order! When those at the table at ready.

Mr MERLINO (Minister for Education) (11:26) — I thank the Leader of the Opposition for his question. Firstly, there was an FOI regarding staff leave arrangements under the former Liberal government — there was an FOI. There was other information that was reported that was not an FOI. The Special Minister of State responded to questions about that yesterday, already raising that matter with the head of the public service.

But here is a news flash for the Leader of the Opposition: journalists obtain information every day of the week. The only reason there is outrage today is that they have been caught out — \$2 million of taxpayers funds. The blue shirts were out there at a cost of \$2 million.

Honourable members interjecting.

Mr Clark — On a point of order, Speaker, the minister is again misleading the house and debating the issue. The question related to the very subject of where the information came from that was made available to the press and the role of the government, the minister, the Premier and their offices in making that information available to the media, and I ask you to bring the Deputy Premier back to answering that question.

The SPEAKER — The Deputy Premier had strayed from answering the question. I ask the Deputy Premier to come back to answering the question.

Mr MERLINO — I was making the point that there was an FOI around staff leave arrangements under those opposite when they were last in government. There was other information not released under FOI, and I responded to questions asked by a journalist.

Ministers statements: health funding

Ms HENNESSY (Minister for Health) (11:28) — I rise to update the house about some fantastic investments that we have been recently making in the health system and some very real threats to those

investments. Last week we announced \$11.5 billion funding for our hospitals, and of course one of the things that we are particularly proud of is how small rural hospitals will benefit from this. They will receive \$50 million more annually than what they received under the last government; that is an increase of 21 per cent. They obviously do a fantastic job, and we are certainly committed to keep investing in them.

But we know that those opposite, prior to losing office, commissioned a report, and the impact of that report would have been to completely rationalise, to defund many of our health services to the extent that our small rural health services would face a \$21.9 million cut immediately. That is about 85 doctors, 202 nurses and 465 elective surgeries annually. The opposition have sought their secret report, and we know how committed they are to getting the band back together, to bring the Kennett-Guy era into the fore, to try to cut our health services, to cut funding to health services. We certainly remember the days when we had hospitals from Altona to Burwood to Mordialloc —

Honourable members interjecting.

The SPEAKER (11:29) — Order! The member for Macedon, the member for Gippsland South and the member for Nepean will all leave the chamber for a period of 1 hour.

Honourable members for Macedon, Gippsland South and Nepean withdrew from chamber.

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

The SPEAKER — I uphold the point of order. The minister had strayed from making a ministers statement.

Ms HENNESSY — The point is this: our health services, particularly our small rural health services, require investment. We know that the opposition sought a report. They have been provided with a report, which was commissioned under their term of government —

Honourable members interjecting.

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

Mr Clark — On a point of order, Speaker, the minister has defied your ruling and returned to debating the issue. I ask you to bringing her back to compliance with sessional orders.

The SPEAKER — I have asked the minister to come back to making a statement.

Ms HENNESSY — In order to prevent those officious, cruel cuts to our rural health services only Labor governments invest in health.

Mr Clark — On a point of order, Speaker, you twice instructed the minister to cease debating the issue. She has defied your rulings. I suggest you either uphold your rulings or cease to hear from her.

The SPEAKER — The minister has concluded her statement.

National Energy Guarantee

Ms THORPE (Northcote) (11:31) — My question is to the Minister for Energy, Environment and Climate Change. Since the South Australian Labor government was defeated, the ACT Greens-Labor government is the lone voice at the Council of Australian Governments (COAG) standing up against the National Energy Guarantee (NEG) — a Liberal plan that will curtail renewables and lock in coal. Minister, will you stand with ACT Minister Rattenbury at the upcoming COAG meeting and block the NEG?

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) (11:32) — I thank the member for Northcote for her question. We have been absolutely rock-solid clear and consistent as the government in Victoria that we would not sign up to the National Energy Guarantee if it meant that it would be a brake on investment in our state as a result of our Victorian renewable energy target scheme. The facts are that it is our government that is absolutely leading the way in the action that is required to deliver more affordable, reliable and sustainable energy sources to our state.

The fact remains that our government is yet to be convinced that we are actually negotiating with a federal government or simply a minister and a Prime Minister who cannot carry their party room. So it is absolutely the fact and the truth that our government will continue to get on with the job of growing investment in our state, growing the renewable energy jobs that are being enjoyed right across regional Victoria, increasing supply and putting downward pressure on wholesale prices.

As we speak we have the Australian Bureau of Statistics figures showing that Victoria had the strongest reduction in wholesale prices in the last quarter of any of the states in the national electricity market. We will not be distracted at all, and we will be

absolutely clear about this. We will continue to deliver the jobs and the investment and reduce wholesale prices. It is only our Labor government that can actually deliver these things, and we intend to continue to do that around the COAG energy council table.

Honourable members interjecting.

The SPEAKER — The member for Hastings is out of his place.

Ms D'AMBROSIO — I will say that it is important to recall that we understand the seriousness of sitting around the table at the energy council meeting. In fact when we stood up at the previous energy council meeting we were absolutely clear on our position when in fact there are those who claim that their Greens minister in the ACT actually walked out of the energy council meeting to do a doorstep when we had yet to finish the business of the energy council.

We are the only party that takes our commitments in government seriously. We will continue to take the actions that put the interests of Victorian families and businesses ahead of anybody else, and we will not be waiting for any federal government to catch up —

Honourable members interjecting.

The SPEAKER (11:34) — Order! The member for Hastings will leave the chamber for the period of 1 hour.

Honourable member for Hastings withdrew from chamber.

Ms D'AMBROSIO — and get on board, because the fact is our commitments are real and we are delivering them, and we will continue to get the job done.

Supplementary question

Ms THORPE (Northcote) (11:34) — Thank you, Minister, for your answer. Will one of the conditions for your support of the NEG be that it provides for a rapid transition out of coal?

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) (11:35) — I thank the member for Northcote for the supplementary question. Our commitment is absolutely rock-solid. We have been absolutely clear that we need to plan for the future, unlike those opposite who stood by and left it to the market to grow renewable energy and move away. The importance of transitioning away from fossil fuel generation to clean technologies will actually deliver cheaper prices and more affordable prices and jobs in

our state and effectively reduced emissions. Our targets are leading the nation.

Mr Southwick — On a point of order, Speaker, I ask you to bring the minister back to answering the question. The question was clearly —

Honourable members interjecting.

The SPEAKER (11:35) — Order! The Minister for Planning will leave the chamber for the period of 1 hour.

Minister for Planning withdrew from chamber.

Mr Southwick — The minister was asked if she was going to close any further power stations down like she has Hazelwood. Is the minister going to close any further power stations down and vote at COAG accordingly? Is she going to vote against coal and close further power stations down like she has Hazelwood?

The SPEAKER — Order! A point of order is not an opportunity to repeat the question.

Ms D'AMBROSIO — We have been absolutely clear on this. The member for Caulfield can comment all he likes, but the fact is the only thing that should become coming out of their mouths opposite is an apology to Victorian families and businesses who are suffering under increased prices and a lack of planning by those opposite because they sold off every asset.

Ms Sandell — On a point of order, Speaker, the question was quite clear and quite succinct. The member for Caulfield thinks it was about closing power stations. He is not quite correct. The words were: will one of the conditions of the government's support for the NEG be that it provides for a rapid transition out of coal? I do not believe that the minister has addressed that specific question, and I ask her to do so.

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

Ms D'AMBROSIO — We have been absolutely clear. We need to make sure that we have got the transition in place to ensure that we can meet our carbon emissions reduction targets under the —

The SPEAKER — Order! The minister's time has concluded.

Ms Sandell — On another point of order, Speaker, I do not believe that the answer was responsive, and I ask if you could please ask the minister to provide a written response.

The SPEAKER — I thank the member for Melbourne. I will come back to the house on that matter.

Ministers statements: economy

Mr PALLAS (Treasurer) (11:38) — It gives me great pleasure to advise the house on the strength of the Victorian economy. Since we were elected we have created more than 340 000 jobs. Two-thirds of those jobs are full-time jobs as we invest in people, skills, infrastructure and services that Victorians need and deserve. It is a contrast to four years of nothing from those opposite. They fell asleep at the wheel, they slowed down the creation of jobs and of course they brought Victoria to a standstill.

Honourable members interjecting.

The SPEAKER — Order! The Treasurer will come back to making a ministers statement.

Mr PALLAS — This week Deloitte Access Economics upgraded its projections for the Victorian economy. Our economic growth is now predicted to rise to 3.7 per cent gross state product for 2018–19. That is the highest prediction for growth in Australia. It highlights the growth and the opportunity that this government has created right across the state, including, might I say, 45 000 new jobs in regional Victoria. Today's Australian Bureau of Statistics stats for the June quarter show that in regional employment 4200 jobs have been created. Unemployment has dropped by 0.8 per cent to 4.9 per cent. It highlights, really, what this government is about.

Let us give you some examples. BlueScope Steel this week reported it had added 100 jobs in Hastings, in contrast to its performance in 2013 when we saw it lay off 170 workers on the back of 200 jobs that they cut in 2011. So while we are building for the future, those opposite seem obsessed with the past. We have heard that Kennett is coming back. Now we know that Alan Stockdale, the architect of massive jobs cuts, energy privatisation —

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

Mr Clark — On a point of order, Speaker, the minister's time has expired, but I do invite you to caution him to comply with sessional orders, particularly as you had instructed him to do so earlier on in his statement.

The SPEAKER — I uphold the point of order. The Treasurer should not stray into attacking the opposition.

Ministerial code of conduct

Mr WALSH (Murray Plains) (11:40) — My question is to the Premier. Yesterday Minister Dalidakis told the upper house in question time that he attended an Australia Lebanese Chamber of Commerce and Industry dinner with you, in his words, 'as a member of Parliament'. It 'had nothing to do with my ministerial responsibilities', he said. Premier, is the minister right? Did you attend this event in your sole capacity as the member for Mulgrave, or has the minister lied and were you and Minister Dalidakis listed on the dinner order of proceedings as the Premier and the minister?

Honourable members interjecting.

The SPEAKER — Order! Can I ask the Leader of The Nationals to repeat that question, and I remind members to cease shouting across the chamber.

Mr WALSH — My question is to the Premier. Yesterday Minister Dalidakis told the upper house in question time that he attended an Australia Lebanese Chamber of Commerce and Industry dinner with you, Premier, in his words — Mr Dalidakis's words — 'as a member of Parliament'. It 'had nothing to do with my ministerial responsibilities', he said. Premier, is the minister right? Did you attend this event in your sole capacity as the member for Mulgrave, or has the minister lied and were you and Minister Dalidakis listed on the dinner order of proceedings as the Premier and the minister?

Honourable members interjecting.

The SPEAKER (11:42) — Order! The member for Geelong will leave the chamber for the period of 1 hour.

Honourable member for Geelong withdrew from chamber.

Mr ANDREWS (Premier) (11:42) — The Leader of the National Party has asked me to confirm whether —

Honourable members interjecting.

Mr ANDREWS — In fact it is uncertain, even though he has read it out twice, exactly what he is asking. What a confused question. I am afraid that I cannot provide a commentary on whether the minister was correct in relation to the capacity in which I attended the conference. Why don't you read it out a third time?

Honourable members interjecting.

The SPEAKER (11:42) — Order! The member for St Albans and the member for Forest Hill will leave the chamber for the period of 1 hour.

Honourable members for St Albans and Forest Hill withdrew from chamber.

Mr Walsh — On a point of order, Speaker, if the Premier wants me to read it out a third time, I am very happy to do that. I ask you to bring him back to answering the question. The question is very simple: Minister Dalidakis said he was not attending as a minister but as a local member, and I am asking the Premier the same question — and I ask him to answer that question, please.

The SPEAKER — Order! The Premier is being responsive to the question that was asked.

Mr ANDREWS — Thank you very much, Speaker, for that ruling. I can simply say that it is challenging to respond to something as incoherent as what was just put to me by the Leader of the National Party. If that is the best you have got after a long winter break, heaven help you.

Honourable members interjecting.

The SPEAKER (11:43) — Order! The member for Warrandyte will leave the chamber for the period of 1 hour.

Mr R. Smith interjected.

The SPEAKER — Order! I warn the member for Warrandyte.

Mr R. Smith — Am I warned or am I out?

The SPEAKER — Order! I ask the member Warrandyte for an apology.

Honourable members interjecting.

The SPEAKER — Order! Members know that when they have been asked to leave the chamber it is disrespectful to the house to leave the chamber shouting and talking.

Honourable member for Warrandyte withdrew from chamber.

Supplementary question

Mr WALSH (Murray Plains) (11:44) — Premier, clause 6.2 of the ministerial code of conduct states:

A minister or a parliamentary secretary or a government member should not solicit or receive direct donations.

When Minister Dalidakis yesterday acknowledged during question time in the upper house that he had indeed done just that with an EFTPOS machine, with you in the room and 23 other people, he effectively admitted he broke this code. Premier, why should this man remain as a minister? Will you stand Minister Dalidakis down, and if not, why not?

Mr ANDREWS (Premier) (11:44) — Now we would have legal opinion and statutory interpretation and adjudication from Captain Coherent over here, who could not even get the first question out. Again I am uncertain what he is asking.

Honourable members interjecting.

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

Mr Clark — On a point of order, Speaker, this is a very simple question on a very important matter. These are matters of ministers of the Crown taking advantage of their ministerial capacity to extract donations from persons at a lunch that they and the Premier attended in breach of the ministerial code of conduct. The question is simply whether or not the Premier will uphold the code of conduct — uphold the standards of himself and his ministers — and stand down this minister. I ask you to bring the Premier back to answering that question.

The SPEAKER — Order! The Premier should come back to answering the question and should refrain from not using correct titles for members in this place.

Mr ANDREWS — Certainly, Speaker. What I would say is that I have complete confidence in all of my ministers that they act appropriately at all times —

Mr Guy — With an EFTPOS machine.

Mr ANDREWS — Well, some do not like EFTPOS machines. They prefer brown paper bags.

Honourable members interjecting.

Mr ANDREWS — Let us get the maps out. Where do you want the urban growth boundary to go?

Honourable members interjecting.

Mr Tilley — On a point of order, Speaker, the Premier is debating the issue. The question relates to the ministerial code of conduct. It does not matter whether it is payWave, whether it is EFTPOS or whether it is a good old-fashioned click and clack the old-fashioned way.

The SPEAKER (11:46) — Order! The member for Benambra will leave the chamber for the period of 1½ hours.

Honourable member for Benambra withdrew from chamber.

Mr ANDREWS — I am so grateful to the member for Benambra for his lecture on probity, after he lost his job for undermining police command. Thanks so much for that. Bring Bill back; put him on the front bench in fact. We will not be lectured by those opposite about probity and integrity — not today, not any day.

Mr Walsh — On a point of order, Speaker, on the issue of relevance, the question was very simply about the fact that Minister Dalidakis broke the government's own ministerial code of conduct. By his admission in the upper house he broke that code of conduct, and the question to the Premier was: will he stand him down, and if not, why not? I ask you to bring him back to answering that question.

The SPEAKER — Order! Points of order are not an opportunity to repeat the question. The Premier has been responsive to the question and has concluded his answer.

Ministers statements: public transport infrastructure

Ms ALLAN (Minister for Public Transport) (11:47) — Speaker, Victorians know —

Mr M. O'Brien interjected.

The SPEAKER (11:47) — Order! The member for Malvern will leave the chamber for the period of 1 hour.

Honourable member for Malvern withdrew from chamber.

Ms ALLAN — Victorians know that it is only Labor governments who make those big, important investments in public transport. Under the Andrews Labor government we have the Melbourne Metro Tunnel, 26 level crossings have gone, the extension of the Mernda rail line, upgrading every single passenger line in regional Victoria, building new trains. This is exactly what the Andrews Labor government is delivering right now, and we want to do more and we will do more.

That is why on Sunday we announced the airport regional rail link, building a rail link between Melbourne and the city but making sure it is being delivered in a way, through Sunshine, that is about

making sure we also bring regional Victoria closer to Victoria's airport and also improve their rail services. At the same time of course this ongoing pipeline of work will create thousands and thousands of jobs and support our construction industry.

Speaker, I can share with you that there is a different approach and a different plan that have been developed. This Met rail plan included the closure of metropolitan rail lines — the Williamstown line, the Stony Point line, the Upfield line were all to be ripped up under this plan. It gets worse. More than half of the metropolitan network was to shut down after 8 o'clock at night and be replaced by buses, and some lines were not even going to run outside of the peak period. This Met rail plan was of course created by former Premier Jeff Kennett, and we know that a future Kennett-Guy government would go straight back down that path —

Honourable members interjecting.

The SPEAKER — The Minister for Public Transport!

Ms ALLAN — and see more —

Honourable members interjecting.

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

CONSTITUENCY QUESTIONS

South Barwon electorate

Mr KATOS (South Barwon) (11:50) — (14 706) My constituency question is to the Minister for Finance. When will the minister direct the Transport Accident Commission (TAC) to reconsider its funding requirements for bike paths in High Street, Belmont, to allow an alternative route in Belmont, saving car parking and allowing ease of access to shops and facilities? I have been contacted by many businesses, shoppers, cyclists, residents and road users regarding the proposed High Street, Belmont, bike paths, all expressing their concerns and opposition to the proposed bike paths as offered by the City of Greater Geelong using allocated TAC money.

Minister, it has come to light that the funding provided as part of the Building Better Bike Connections project came with the clause that it must only be used for a route along High Street, Belmont, or no funding would be allocated. This is creating anger and confusion among High Street traders and shoppers who fear losing vital on-street, short-term car parking, which will adversely affect businesses and access for residents to

shop in High Street, Belmont, thus changing the character and landscape of this unique shopping strip.

Bendigo West electorate

Ms EDWARDS (Bendigo West) (11:51) — (14 707) My constituency question is to the Minister for Sport, and I ask the Minister for Sport to provide information to the Chewton community on the progress of an application to the World Game Facilities Fund by the Castlemaine Goldfields Football Club for a floodlighting project that will enable both seniors and junior players to train during the evenings. As people would know, soccer is predominantly played during the winter months, and of course it gets dark very early, around 5.00 p.m., and these lights are essential not just for safety but also for extended pitch use by the club and the junior players in particular. The World Game Facilities Fund of course is a very significant Victorian government funding program, and we are very pleased that the minister has been able to already grant a number of clubs funding from this fantastic program.

Murray Plains electorate

Mr WALSH (Murray Plains) (11:52) — (14 708) My constituency question is to the Minister for Health, and it is on behalf of the Rochester community. Twelve months ago Ambulance Victoria implemented a trial roster of two-officer crews at the Rochester ambulance station. The trial recently concluded and the Rochester ambulance station has reverted to a single-officer crew with support from ambulance community officers. The Rochester community seeks urgent advice from the minister as to when the report on the trial roster of two-officer shifts will be released.

Essendon electorate

Mr PEARSON (Essendon) (11:53) — (14 709) I direct my constituency question to the Minister for Sport, and I too would like to ask: what is the latest information on the application to the World Game Facilities Fund for the Cross Keys Reserve ground realignment and lighting project? The Cross Keys Reserve, Essendon, is a well-utilised piece of public open space. It is well frequented by locals as well as a number of sporting codes, and the ability to look at improving the quality of local infrastructure would be well received by my community, as well as ensuring that there is appropriate lighting on the facility.

Sandringham electorate

Mr THOMPSON (Sandringham) (11:53) — (14 710) My constituency question is directed to the

Minister for Housing, Disability and Ageing, and it relates to the concerns by Sandringham electorate residents regarding their inability to use Pyrox gas heaters during what is a very cold winter. They have been referred to the use of electricity powered heating, as opposed to gas powered heating, but the cost is unsustainable and unaffordable for many people. My constituency question to the minister is: will all Pyrox gas heaters be replaced within the Sandringham electorate within the next fortnight to ensure that Sandringham electorate public housing tenants do not spend the winter shivering or paying exorbitant energy bills?

Narre Warren South electorate

Ms GRALEY (Narre Warren South) (11:54) — (14 711) My question is to the Minister for Roads and Road Safety and concerns Narre Warren-Cranbourne Road. I ask the minister: when will construction begin on the widening of Narre Warren-Cranbourne Road? The Andrews Labor government has committed \$2.2 billion in this year's budget to upgrade roads across Melbourne's outer suburbs to increase traffic flow, slash congestion and improve safety. Narre Warren-Cranbourne Road will be widened from two to four lanes all the way down to the South Gippsland Highway. This is on top of the level crossing removal at Thompsons Road and the installation of the roundabout at the corner of Pound and Shrives roads, so Narre Warren South roads are really getting prepared for the record growth we are experiencing. Both my constituents and I are excited at the plan to see a wider Narre Warren-Cranbourne Road, and hopefully works will start soon.

Shepparton electorate

Ms SHEED (Shepparton) (11:55) — (14 712) My question is for the Minister for Agriculture. I recently met with a group of constituents involved in the horticultural industry who are concerned about the growing number of flying foxes in my electorate that are causing significant damage to orchards. Can you please advise what action your department is taking or might be able to take in order to address this threat?

In the past flying foxes have generally passed through the region, but it appears they are now taking up residence and are nightly attacking orchards, seriously damaging fruit and causing significant economic detriment to our farmers. In May the population in Tatura alone was estimated at about 10 000. In 2014 the New South Wales government introduced a scheme to assist farmers to protect their crops with netting, and I believe that such a program could be of some assistance in Victoria. Flying foxes are listed as a vulnerable

species, are an important part of the Australian environment and need to be protected, and I am of the view that it would also be prudent for this government to look into this situation.

Clarinda electorate

Mr LIM (Clarinda) (11:56) — (14 713) My question is for the Minister for Tourism and Major Events. Melbourne prides itself on being the sporting capital of the world and the major events capital of Australia. Time and time again we see arenas packed with spectators, whether it be for the AFL Grand Final or the Australian Open Tennis Championships. These events are great for Victoria, bringing in tourists from overseas and interstate to spend their money in our state. When major events are held in the suburbs of Melbourne there is a huge impact on local economies. That is why I was so pleased to see the 2020 Australian Open golf tournament will be held at Kingston Heath Golf Club in my electorate. This will be a huge boost to local businesses, from cafes and shops to restaurants and hotels and other local service providers. My question for the minister is: can the minister provide me with an update on how he is working to attract more events like the Australian Open golf tournament to Victoria?

Ripon electorate

Ms STALEY (Ripon) (11:57) — (14 714) My question is to the Minister for Resources. What expenditure and outcomes have resulted from the community education grant made to Environmental Justice Australia in relation to three projects that were announced primarily for the Stawell Gold Mine on 24 February 2017? Environmental Justice Australia was allocated \$50 000 to deliver workshops and information centres at Glenaladale, Bunyip North and the one I am particularly interested in at Stawell. My question relates to what outcomes from this grant have we seen.

Carrum electorate

Ms KILKENNY (Carrum) (11:58) — (14 715) My question is for the Minister for Ports. Sadly for the past 18 months Seaford Pier has been closed to the public for safety reasons. In the 2018–19 budget we announced nearly \$900 000 to upgrade the pier. Minister, when can constituents in my electorate expect the works to upgrade the pier to start?

Ms Staley — On a point of order, Acting Speaker, in relation to the constituency question raised by the member for Clarinda. He asked for an update, which is an action. I believe there have been clear rulings from the Chair that that is not the appropriate form for a

constituency question, and I would ask you to rule that out of order.

The ACTING SPEAKER (Ms Spence) — I did actually struggle to hear the question at the end of the member for Clarinda's question, so I will ask the Speaker to review that and come back to you.

JUSTICE LEGISLATION MISCELLANEOUS AMENDMENT BILL 2018

Second reading

Debate resumed.

Debate adjourned on motion of Mr CARROLL (Minister for Industry and Employment).

Debate adjourned until later this day.

VICTORIAN INDUSTRY PARTICIPATION POLICY (LOCAL JOBS FIRST) AMENDMENT BILL 2018

Second reading

Debate resumed from 24 July; motion of Mr CARROLL (Minister for Industry and Employment).

Mr EREN (Minister for Tourism and Major Events) (12:00) — I rise today to speak on this very important bill before the house, which is the Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018. I proudly stand here today as a member of a government that has created a record amount of jobs, under difficult circumstances might I add. As many people would know, with the major car manufacturers — Ford, Toyota and of course Holden — all deciding to take their operations elsewhere and all of the components sector along with them the traditional manufacturing industry that we had in this state came to an end, which is sad because obviously Victoria has always been the state that made stuff and manufacturing was our key industry, although we have diversified now. We have advanced manufacturing, and I know the minister at the table, the Minister for Industry and Employment, is doing a great job in relation to creating some advanced manufacturing jobs in our state.

Of course this particular bill before the house will go a long way to making sure that we have local people working on local projects. When you consider that there is so much going on at the moment in our state in terms of construction and in terms of infrastructure build and

when you consider that in the last three and a half years we have created, as the Treasurer earlier indicated, some 340 000 jobs and most of those jobs are full time, that is fantastic to see. We are without a doubt the engine room when it comes to jobs in the nation, with our economy of course being very strong. The confidence in the business sector particularly is very strong as well, which is fantastic to see.

These things do not happen by accident. These things happen by design and with good policy and with hard work. Of course the harder you work, the luckier you get. In relation to our population, it is the fastest growing in the country with some 150 000 people moving into Victoria last year. That trend is expected to continue going forward so over the next decade we will have over a million additional people living in Victoria. Of course that means that we need to keep going with making sure that we have a strong workforce, a workforce that benefits from all of the activities that are going on in our state. It is not just happening in and around Melbourne. It is happening right across the state. I know in my city of Geelong there is so much construction going on. There are cranes in the sky, and we have not seen that for a long, long time. A sign of a good economy is when you see cranes in the sky, and we are seeing it right across the state.

The purpose of this bill is to amend the Victorian Industry Participation Policy Act 2003 in order to legislate the Local Jobs First — Victorian Industry Participation Policy (VIPP) and the Major Projects Skills Guarantee (MPSG), enshrining current practice to deliver improved outcomes for local small and medium businesses and local jobs.

The bill will amend the title of the legislation from the Victorian Industry Participation Policy Act 2003 to the Local Jobs First Act 2003. It will legislate the Local Jobs First VIPP policy objectives by outlining the requirements for standard and strategic projects, including the requirements for minimum local content on certain projects. This is proving to be a success. It not only drives our educational sector to ensure that we have the skills that are designed to accommodate the growth in our industries going forward but it also gives opportunities for locals to have pride in the projects that occur within their state and within their areas.

So the bill will provide the minister with powers to maximise the use of certain content on a project-by-project basis and legislate the MPSG to provide that a minimum of 10 per cent of estimated hours worked on major projects must be conducted by local apprentices, trainees and cadets. This is a great achievement by our government, the Andrews Labor

government, which is putting people first, particularly local people. I know that within my electorate Corio and Norlane have a fairly high incidence of unemployment. They are socially disadvantaged areas, especially when you consider that there are generational unemployment issues, there is generational drug and alcohol abuse and there are generational family violence issues. There are young people coming through the ranks in those areas, and we have regenerated education in those areas to ensure that they do not get left behind. Policies like this ensure that people from those areas are not left behind, and that is great to see.

The legislation before the house will also require agencies to consider and evaluate industry development and job outcomes when awarding a tender for contract. It will also establish the Local Jobs First commissioner, with a series of functions, including facilitating opportunities for local businesses working with government and industry to improve access for Victorian businesses to current and future government contracts, promoting and advocating for opportunities for local workers and businesses, and monitoring and enforcing compliance with the legislated Local Jobs First VIPP and MPSG policies.

I reiterate that the policy before us today is designed to make sure that we do put locals first and that we procure in a way that maximises our opportunity to not only provide employment for our community but also ensure that we have a workforce that is ready to take on some of the challenges that come our way in terms of opportunity. This bill will ensure that small and medium-sized businesses are given full and fair opportunity to compete for government contracts, which is so important. This will ensure that the maximum amount of local content is used on government projects, which will create new local jobs and opportunities for local businesses.

I know that many businesses operate out of my area. The seat of Lara is known as the economic heart of Geelong, with the Geelong Ring Road employment precinct around Lara and Avalon Airport. Of course the ports are also within my electorate. Many employment opportunities exist within my electorate, and I am sure that all of those businesses that operate within those areas will ensure that they apply to government for these very important tenders that come up from time to time. Under this policy tenderers for projects worth \$3 million and over in metropolitan Melbourne and \$1 million in regional Victoria are required to outline the expected content of the project that will be sourced locally.

Under the Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018, for projects worth over \$50 million or as otherwise determined by the minister the government will mandate minimum local content requirements to drive economic activity and job creation. Under the MSPG the government mandates that 10 per cent of all hours worked on projects over \$20 million are conducted by local trainees, apprentices and cadets. We have invested heavily in our education structure, if I can call it that, all the way from primary to tertiary and trade. As a government we have done more than any other government in the history of this state in relation to our investments in all of those key areas. We have done that deliberately to accommodate the growth that is occurring in certain sectors in our state. Since November 2014 our economy has grown by over 340 000 new jobs, and 75 000 new jobs will be created through our infrastructure program alone.

This is a fantastic bill by a fantastic government. Great work has been done by the minister to ensure that Victoria stays ahead of the game and to ensure that Victorians maximise the opportunities that exist going forward in a wonderful state that is the best state in the nation, not only in terms of all my portfolios. Tourism and major events have created some 22 000 jobs in our state in the last three and a half years, and of course we as a government collectively are very much concentrating on making sure that we as a state are the engine room of the nation. This policy before us makes it fair for all Victorians, ensuring that those Victorians who live in the state benefit from the growth that is occurring in the state. Well done to the minister. It is a great bill before the house, and I wish it a speedy passage.

Mr HOWARD (Buninyong) (12:10) — I am also certainly very pleased to speak to this very significant bill before the house, the Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018. We know that in so many ways employment is key to ensuring the wellbeing of people across this state. All people across the state who want employment should get the sense that there are positives out there and that there is the opportunity for employment out there. Since day one of the Andrews government we have ensured that we have done everything we can down this track to build employment opportunities for Victorians, whether they be in the Melbourne metropolitan area or the regions, which is where my electorate is based.

To do that we recognise that governments need to invest in building the state and in infrastructure. We have done that very significantly. We know that. Through the government's major projects and other

projects we have put money into building the state while at the same time recognising there are opportunities to support local businesses and local product, which we have done. I am very proud to stand here and to say that since coming to office we have created 300 000 new jobs across the state. Through our infrastructure projects alone 75 000 new jobs are going to be created. From day one we have recognised that for many of these projects we want to promote local content.

In Ballarat we see Alstom, the company that produces the X'trapolis trains that are used here in Melbourne. When our government put out the contracts for those trains we said, 'We want to see 50 per cent local content in all trains built for Victoria'. Whether it has been Bombardier in Dandenong, which has produced the VLocity trains that are running on our regional tracks — wonderful new, modern trains — or Alstom, which has been producing the X'trapolis trains that are on the Melbourne metropolitan system, it is great news for local skills and employment. In fact Alstom advise that they have been able to run their local content at more like 60 per cent rather than the 50 per cent required, and that is terrific news for the people of the Ballarat region. Not only has it meant that jobs have been provided but there has been a commitment through this proposal to ensure that we maximise opportunities to train people in the skills they need in these important manufacturing areas. Alstom was able to take on nine apprentices last year, and we see across the state that so many more apprenticeships are being offered as a result of the work that we have already done in our first three years in terms of promoting local product and employment.

It is not as though this concept is new to Labor and our side of the house. Over the last three years we have been practising it in a lot of ways, but this bill takes it a step forward. This bill takes the existing act and retitles it Local Jobs First Act 2003, therefore giving clear direction about what we are trying to do in terms of government procurement. It indicates that we want to support wherever possible local jobs. It does not necessarily have to be local product from Victoria. In the case of steel and the great work being done on the West Gate tunnel project, we know that 92 per cent of the steel being used will be Australian, and 93 per cent of the content overall in terms of the materials being used to construct the West Gate tunnel will be Australian.

This bill focuses on two things: local product and buying local product wherever we can; and also ensuring that we employ locals, whether that be in the construction area, the maintenance area or the service contracts. So it is not just about construction. This is so important.

We have also built into this legislation a requirement to put in place the proper ethical standards that we would expect any business that we are purchasing product from to operate under. That is so important too, that they are paying their workers fairly, that they are treating their workers fairly and that they are being good members of the communities in which they operate.

The bill operates with two mandated schemes: the Victorian Industry Participation Policy and the Major Projects Skills Guarantee. These look to ensure that we are supporting jobs in our local communities and apprentices, trainees and cadets as well. Under the Major Projects Skills Guarantee we have already provided more than 950 opportunities for apprentices, trainees and cadets. This is so important, and it is exciting for me when I go to those industries in Ballarat that we have been supporting, whether it be Alstom or our construction industries, to see that through the work that they have earned with our government they are taking on young trainees and apprentices who feel good about the opportunities before them and that the industries are feeling very positive about their future.

When I look at some of the projects we have undertaken in Ballarat, I have talked about Alstom, but of the big construction projects that our government has supported and has led since we came to office, Eureka Stadium obviously stands out. It is a place I will be this coming Sunday because the third AFL game will be held in Ballarat. The Bulldogs are playing Power on Sunday, and I certainly trust that the Bulldogs can put on a great show and hopefully win that game. It just shows that if you invest as a government, not only are you doing those things to bring significant events to places like Ballarat but you are providing work for local companies. Nicholson Construction of course won the contract for this job, as they have for a number of other government contracts across Ballarat in the term of our government. Nicholson Construction did a fantastic job building the new stands and completing the work. This is a great boutique stadium where we can hold AFL games and a number of other events in the years to come. It is going to be exciting to see it in use again this coming Sunday.

We also know that Ballarat Tech School was completed last year, a terrific project from this government, recognising that we want to encourage young people to appreciate that the science, technology, engineering and mathematics subjects are important and that there is excitement in the science and technology area. That building that is part of the old school of mines building at Federation University was rebuilt as a contract job with Nicholson Construction, as has been done at

Mount Clear College in my electorate, which is very excited to get new technology facilities.

All of these things do roll in to have great benefit to our community. It is great to see that young people can see opportunities in training and in learning about science, technology and the skills that clearly there will be a demand for as we move forward into the future, with a government that is clearly supporting local job content. These are all great projects.

I am also going to be pleased to go to Sovereign Hill this coming Sunday to see the last of the *Blood on the Southern Cross* productions under its current guise. Sovereign Hill has again gained substantial support from this government to upgrade *Blood on the Southern Cross*, a great addition to Sovereign Hill. Again, that is bringing in opportunities for local technology and skills to be used to enhance tourism opportunities and to enhance all of those other opportunities to put technology and skills into action. I look forward to attending the current *Blood on the Southern Cross* show, which I will see on Sunday night, and the new one when it opens before too much longer.

This government through this legislation is clearly working to support local jobs. This legislation, as we will hear from other speakers, clearly sets out the rules and the parameters under which government departments putting forward contracts will evaluate those contracts to ensure we maximise the benefits for this state.

Mr RICHARDSON (Mordialloc) (12:20) — As a Labor member of Parliament it is a great honour to rise and speak on the Victorian Industry Participation Amendment Bill 2018, because it would take a Labor government to bring a bill of this nature to this Parliament to guarantee the skills and support for Victorians to get an opportunity, to guarantee local content and to make sure Victorians are always put first. This is a Labor values bill before the Parliament if there ever was one. Our agenda and our major projects are improving the lives of Victorians across our state. It is great to have the former Minister for Industry and Employment here, who did a power of work in leading the agenda and our cause to boost employment and industry participation across the sector.

The minister at the table is the newly minted Minister for Industry and Employment, who has hit the ground running — they call him Ben Everywhere, and he has been everywhere. There are so many major projects on the go at the moment he has always got a hard hat and he is out there meeting workers, because he gets that industry participation and guarantees of skills change

lives. With the 10 per cent guarantee and with our investment in TAFE and employment, we will change the lives of and outcomes for young Victorians. A 10 per cent skills guarantee, what does that mean? It means an apprentice in a local community gets their opportunity on a major project. In years to come they will reflect back on where their start occurred and where it happened, and it will have been on a major project. It could be on a level crossing removal, it could be on the West Gate tunnel or it could be on the Mordialloc freeway, which is starting construction in 2019.

When you think about why you come to government, why you front up each and every week, it is to change lives and outcomes for people in your community and make them better than they were yesterday. I am always fascinated by those opposite and their speeches about smaller government and getting out of the way. Sometimes you listen to their speeches and you wonder what they would want to do in government. What is the purpose? The purpose is to change and improve lives and get better outcomes for all Victorians, not to think of your own self and how to benefit your mates in business.

It is about supporting local communities, and this legislation enshrines that. It says that any government going forward, regardless of whether you have got 88 major projects like the current government has — a lot of major projects are on the go — or whether you have just got the sniffer dogs at Southern Cross, in fact if the project went over \$3 million, it would guarantee local content. I do not know what major projects they had. Other than the east–west link — which came very late in the piece, did not have a business case that had any credibility and started at the wrong end, in the eastern section, to prop up some eastern suburbs seats that they were a bit concerned about — they did not really have a major project. But even if they had one, there would be a skills guarantee that 10 per cent of the work would have to be fulfilled by trainees or cadets to train future generations for employment.

It also says that if a government makes a decision to take that skills guarantee away, then Victorians will know their values and the agenda that they put forward.

Mr Noonan — They did it with TAFE.

Mr RICHARDSON — That is right, member for Williamstown, they did that with TAFE. When they were trying to improve their budget bottom line, what did they look to first? It was to cut TAFE, to gut TAFE. We have seen a resurgence in TAFE. We have seen campuses surge back into prosperity and people coming back to them. Then there are the 30 courses that are guaranteed. That is truly extraordinary.

Ms Thomson interjected.

Mr RICHARDSON — They are free. That is right, member for Footscray, they are free and they will be supporting people into the future. I have had people in my community come into my office and say, ‘Tim, I’m reassessing my options. I’m reassessing what I might do because this gives me options, this gives me purpose, this gives me hope’. That is because before that, the cost of that education, that qualification was a barrier to getting the skills and jobs of the future. Now those people have an opportunity to really take the opportunity and get that TAFE qualification and find that employment outcome. That is the purpose of government. The time that you have before you is to make the most of the opportunities you have got to really benefit the lives of people around you, and I could not think of a more important policy to enshrine into legislation.

Think as well of the full-time jobs that have been created. In the lead-up to the 2014 election each and every day 46 Victorians were losing their jobs. Each and every day 46 families were not getting a pay packet. They were getting that bad news and they did not know how they would be able to meet their cost-of-living burden, how they would be able to meet their mortgage repayments or their rent at a time when wages were flatlining and the cost of living was rising. Forty-six jobs each and every day, and unemployment hit 7 per cent in Victoria. To see the transformation in our state now, to see the hundreds of thousands of jobs created and people working — the Treasurer said to me the other week that one in 10 jobs today is the result of participation in government projects. That is a really exciting outcome. Supporting our teachers, supporting our nurses, with expansions in funding means better employment outcomes for our community.

When we think of projects like Yarrabah School in the Mordialloc electorate and Beaumaris Secondary College, where we saved that school site, they are projects over the threshold and that will mean local apprentices will be on those projects. The minister at the table, the Minister for Industry and Employment, came down during the construction of Beaumaris college and met with local apprentices for whom that was their first project. When you think of the support for vehicle registration as well for young people, the government is on their side — it is on the side of working people and it is putting its values forward into action to support others. When I think of some of the work down the Frankston train line — half of the level crossings, the 30 level crossings between Frankston and Caulfield — it is an unprecedented amount of work and construction going on at the moment. Our community has not seen so much activity

since the line was built. It came through Cheltenham in the 1880s and went all the way through to Frankston in the early 1900s. No-one has seen this level of construction in our community since that time, and that is a really important thing about what you do when you are given the chance to govern.

When we were elected on 29 November 2014 there were 1461 days until the next state election. I remember the Premier at the first caucus meeting that we had saying, 'You do not know the time that you've got in this place. You don't know how long you'll have. The opportunities you should take, you should maximise them, and you should not waste a day or an opportunity'. I think everyone on this side is motivated by the urgency — the urgency to get things done and to make our community fairer for the future. This is why these major projects are transformational.

Infrastructure Australia estimated our infrastructure backlog was \$100 billion when we came to government. We have got tens of billions of dollars in the short time we have had and we have leveraged those assets in investment in a climate where the federal government has walked away from Victoria. You do not see a skills guarantee from the federal government. You see the contracts that they put forward — offshoring jobs, offshoring of employment outcomes. The Prime Minister, Malcolm Turnbull, does not put Australia first; he puts caucus numbers and the interests of his mates before anyone else. He has not put forward a skills guarantee and you see the offshoring of contracts. We saw that with some of the contracts. The former Minister for Industry and Employment, the member for Williamstown, talked about submarines being built as well. There are the lost opportunities, too — we saw former federal Treasurer Joe Hockey goad the car industry away. He said, 'If you want to go, go', and we lost all that opportunity and employment ability. We saw the car industry go, and now that the dollar is down at a more sustainable level all that industry, all that knowledge, all that intellectual property is gone. Those are the lost outcomes. That is what happens when you put the interests of your mates first rather than the interests of Victorians first.

This bill enshrines employment outcomes and participation for young people — local content, local steel, supporting workers. I could not think of a more important policy to put forward with which we can actually change the outcomes and lives of Victorians. This is a credit to the work of the Andrews Labor government, the work of the former minister, the member for Williamstown, and of course the work of the fantastic Minister for Industry and Employment, who is across every electorate. I mean, if you look at his

Facebook page, it is just extraordinary. A postcode here, a postcode there — he is creating postcodes of hope everywhere across the board. The Minister for Industry and Employment is visiting different areas. He has been down to 3195 a couple of times, down in my neck of the woods. Postcodes of Ben, some might say. It is an extraordinary amount of activity going on here. His diary is full of major projects that he is visiting to see directly how investment in TAFE and how industry participation change outcomes. If you want those kinds of outcomes, you will always support a Labor government.

Mr PEARSON (Essendon) (12:29) — I am delighted to make a contribution on the Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018. We have come a long way. I remember back in the early 2000s when the Bracks government first proposed the Victorian Industry Participation Policy, known as VIPP, which looked at trying to put a value on local content, there was an enormous backlash from some quarters. There were people who were saying that this was akin to the introduction of tariffs, that it would be uncompetitive and that Victoria would be exposing itself to retaliatory action from other trading partners. Those claims never came to fruition because they were false concerns.

Why I say that is that what the government was seeking to do back then and what this government seeks to do now is to try to put a value on local content. We are not punishing or penalising content from foreign nations or other jurisdictions as a way of trying to push them out so you only buy local. What we are saying is, 'Look, we want you to value local content'. We are saying to bidders and suppliers of goods and services that we want them to value local content. That makes it incumbent upon consortia or bidders or contractors or suppliers to comply with our policy, and they can choose not to. Indeed if you had a set of circumstances where the local suppliers and the local providers were manifestly uncompetitive, then they would be unsuccessful. What we are trying to do with a policy like this is to say, 'Look, you've got to value this and if you're close enough and you're in the hunt, then there is an opportunity for you'. I think this is really important.

The public sector in Victoria is worth about 25 per cent of gross state product. When you have the public sector making these sorts of commitments and investments and valuing this sort of work, then it sends a signal not just to state government projects but to other projects more broadly. I know some would argue, particularly those with a more economically conservative perspective, that this takes away the core business of government. I think their argument would go something along the lines of, 'When you place a value

on these goods and services you are potentially loading up the value of major projects, which therefore reduces the capacity of the public sector to respond to other issues or other areas where there is market failure, and therefore you should not do it'. That would be the opposing view as to why you should not do this.

But I think we can take a holistic approach to the economy. If you look at the broader impacts upon citizens, I think you can dispatch those arguments fairly easily, because as you would well know, Acting Speaker Ward, in the 1970s and 1980s the public non-financial corporations such as the Melbourne and Metropolitan Board of Works and the State Electricity Commission of Victoria (SECV) used to employ apprentices. That was a thing they did. You would often start your career working for a public sector agency like the SECV or the board of works, you would then get a qualification and a skill and you would leave that organisation and go and work in the private sector. As a consequence of privatisation in the 1990s, you have seen less of that occurring and that has led to skills gaps that have started to emerge. Certainly I think if you look at where the economy has gone in more recent times, at people of my generation — people in their 40s — there is a lack of suitably qualified tradespeople, which has led to that skills gap. I think you can say that a lot of that came down to the public sector no longer providing those functions. I think by ensuring that you increase skills by employing more apprentices, that works well.

Frankly, as Deng Xiaoping said:

It doesn't matter whether a cat is black or white, as long as it catches mice.

It does not matter whether it is a public non-financial corporation that is employing apprentices or it is a private sector corporation that is bidding for government work that employs apprentices, the most important thing is that apprentices are being employed and skills are being provided.

The second point I would make in relation to an argument against more of that hardline economically conservative approach is that young people who might think with their hands and therefore might do a trade, but are locked out because we do not have a piece of legislation like this, might be at risk of not leading as full and productive a life as they could. Let us suppose, for example, you have a 17-year-old Somali-Australian living in public housing who would like to get a trade qualification but cannot because the jobs are not there, because they live in public housing, because they are Muslim, because they have a funny name or because their English skills might not be great and they are locked out and excluded from working. Let us suppose

that child becomes an adult and comes into contact with, first of all, the juvenile justice system, and then the adult correctional facility and they become a frequent flyer in our correctional facilities. What would be the cost to the taxpayer for that life lost? For a life that could be fulfilled, a life that could be filled with happiness and meaning, but because there was not a job for them, because they made some poor choices and they ended up often spending time in and out of jail, or they might develop a mental illness or they might abuse drugs and alcohol, what is the cost to the taxpayer for that?

I am not saying that would be the case for everyone, but clearly there will be a cohort where idleness is the devil's handmaiden. If you have people who have too much time on their hands, they are more likely to get into trouble than those who are out working and leading a full and meaningful life. So a bill like this that seeks to encourage people who are bidding for major government projects to value apprentices and to look at using local content is very important. Again tackling the conservative arguments, if you have a person who leads a meaningful and fulfilled life and they become a taxpayer, they are gainfully employed, they live in a functional family environment, they look after their partner and they raise their children well, they are a really good citizen and a great contributor to our society, the value to the tax base, the value to our economy and the value to our state is infinitely more than having someone who abuses drugs and alcohol, has a mental illness, is in and out of a correctional facility, is on welfare and is in public housing. That is the contrast. I think when you try to come in early and you try to identify young people and give them an opportunity, you reduce the risk that you have these poor outcomes.

Certainly in my experience and knowledge of the business community, if you make it a stipulation of a contract that you have to put in a local content plan with your bid to work on a major project, and you are required to do that, then the consortia will do that because if they do not do it they will have a non-compliant bid. If they have a non-compliant bid, they will be ruled out. This is a way where the state can turn around and basically say, 'These other things we think are important. We think you should have a responsibility, particularly if you are going to be making 20 per cent EBITDA — earnings before interest, taxes, depreciation and amortisation — this next financial year because of the government contracts that you are going to be awarded. We think you have a responsibility to skill up your workforce and provide those sorts of opportunities, because it is good for you, it is going to be good for us as a state and it is going to be good for the broader state economy and indeed the

national economy'. It is about trying to encourage consortia to go down that path.

Again, I would say that does not mean you have lazy bids, that does not mean you have gouging or that you jack up the prices. It is about basically saying you have got to be within the ballpark. We are encouraging the private sector to bid with confidence and to discharge their obligations and duties as good corporate citizens. But it only happens when you have a government that brings legislation like this before the house to ensure that these sorts of projects and these sorts of skills are valued. I commend the bill to the house.

Ms THOMSON (Footscray) (12:39) — It is with great pride that I rise to support the Industry Participation Policy (Local Jobs First) Amendment Bill 2018. I do so as a person who was here in 2003, not in this chamber but in the other chamber, for the policy settings of the original Victorian Industry Participation Policy and was proud to be part of a Labor government then that saw the importance of local content to boost our manufacturing and other industries to ensure that they were part of the growth that Victoria would see into the future. Now we have come a step further with the legislation in this house by the Andrews Labor government, and I am proud to see that we are actually legislating and putting on the statute books the importance of local content in our major projects. We all know that industry does not want to have one major project here and then stop. Industry needs a tail of projects. They need to know that we are going to be building and constructing so they can build the teams to do that: the engineers, the architects, the designers and the people who are experts in their fields to be part of that major project and for other projects to come. Those teams stay and they settle, they raise their families and they participate in the economy.

It is more than just about those industries and those businesses. It is about ensuring that every Victorian has an opportunity to participate in the growth of Victoria, to give everyone the chance to feel part of a bigger community. That is where Labor stands out; that is fundamental to who we are as a government and as a party. We believe on this side of the house we have an obligation to leave no-one behind but to give everyone the opportunity to travel on the journey of being a real contributor and a beneficiary of the growth that comes with these kinds of policies. I am really proud to see that we are now legislating the local content component and also the 10 per cent skills component that will now be legislated for the working hours of any major project over \$20 million, and we have got a lot of those projects right now.

For me in the western suburbs and for those who represent the western suburbs, we know what this means, because we represent people of real disadvantage and we know of those young kids in our own local neighbourhood who have been given opportunities to work on projects like the West Gate tunnel or on the Metro Tunnel and who are the beneficiaries of this very program. We talk to them, we meet with them and it is a great opportunity for them to see a future for themselves that they otherwise did not see. For those who were displaced workers from industries like the motor industry, who through no fault of their own are out of work, a number of those people have been employed in these projects where they now know they have a future and they have a long tail of potential jobs out there for them to be able to provide for their families and bring them up. In the western suburbs we really understand the impact of this policy on the people directly. I am so proud to see that we are going to legislate it and make it hard for any government in the future to wind back these policies.

This idea to legislate did not come out of nowhere. There was a jobs summit held by the Premier in August 2017 which had unionists, businesses and those who were interested in this area sitting down together and talking about how we could ensure that we were providing the jobs for the future, how we could guarantee a future for our young people and how we could make sure that the skills they needed for the jobs of the future could be provided. This bill came out of those very discussions. I want to take this opportunity to acknowledge the work of the member for Williamstown, the former Minister for Industry and Employment, who started this process and showed an incredible commitment to the individuals whose lives he knew would benefit from this being legislated. I also want to give a shout-out to the current Minister for Industry and Employment, the member for Niddrie, who has carried this passion on and has shown the same commitment to these very people who most need these policies.

We are seeing a rebirth of manufacturing as a consequence. It is not just the individuals who are benefiting from this policy, it is small and medium enterprises right across the state who are actually seeing jobs in their industries, the ability to see a future for their industries and a capacity to employ more people. This is win-win policy; this is policy that is good for Victoria; this is policy that is good for young people who need to be provided with the jobs of the future and skills for the future; and it is good for small and medium-sized businesses in Victoria because it means they have got a future too. They do not have to close their doors because they do not have work; they will be able to keep their doors open.

Mr Wakeling — Acting Speaker, I draw your attention to the state of house.

Quorum formed.

Ms THOMSON — It is obvious that the member opposite did not like the suggestion that this side of the house actually cares about small and medium-sized businesses and understands that to really look after these enterprises you need to provide them with work, and that work comes with government contracts with a stipulated local content component. They might not like it, but this policy works. It will work for our manufacturing industry in Victoria and it will work for our young people in Victoria.

While we are on that subject, let us talk about the skills that our young people are going to need to be able to undertake this work. Let us talk about those TAFE courses that are going to be free for these students to undertake to prepare them for jobs of the future — 30 free TAFE courses. We have identified 20, and 10 are to come in areas where there are skills needs. It will be the kind of education that they need to prepare them for the work of the future, not just for the work of today. That is vitally important.

Let us contrast that with what we saw in the four years before the Andrews Labor government, when TAFE funding was cut — slashed — and TAFE was almost totally destroyed. There is no way the TAFE system could have survived another four years of the Liberal government. There was no way that we would have been able to revitalise and reinvest in TAFE if there was another four years of the Liberal-Nationals government. Thankfully for the people of Victoria in 2014 when the Andrews Labor government was elected we reinvested in TAFE. We reinvested in skilling up our young people. We reinvested in identifying that skills, and courses in skills, were vitally important.

Ms SHEED (Shepparton) (12:49) — I am pleased to rise and make a contribution on the Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018. I welcome this legislation and the direction it takes. The purposes of the bill are to provide for governance, compliance and enforcement of the policy behind the bill. It requires reports to be made to Parliament regarding implementation and compliance, and it mandates local jobs wherever possible.

This is such an important thing for my electorate, because never before have we seen so many projects either getting underway or being about to get underway. I note, first of all, that the new Shepparton courthouse has recently been completed. It is a major five-storey

building, which I can tell you, in the middle of Shepparton, really stands out. It is an excellent facility and, as a practising lawyer, I have been in the old one for many years and bemoaned the fact that it did not suit the purposes or the needs of the local community, the local legal profession or members of the judiciary who visit on a regular basis. It is wonderful to see that building completed.

Today the new Koori Court in Shepparton is being opened, and what a wonderful thing that is. We have actually had a Koori Court in Shepparton, but it was a very tiny little room that made it very difficult for families and all of those people who need to be in a courtroom during the hearing of a case to be present. The newer, bigger facilities, with the latest technology, are truly outstanding. That was a project where a certain amount of local content was required and was used.

There are many projects that have been funded during my short time in Parliament by working with the government of the day. The Shepparton district had suffered such neglect for such a long time across a whole range of areas. Just to start with, the redevelopment of Goulburn Valley Health, which is our major regional health service, has been funded for the first stage and the works are now underway. That is such an important project for our region. It had languished for years. There had been master plan after master plan on the table and lobbying to try to get the funds to make it happen, so I was very pleased when the government announced in its second budget the funding to proceed with the redevelopment of Goulburn Valley Health. Lend Lease have been awarded the contract for that, the overarching major contract for that project, and it has been a pleasure to meet with them and the project managers at the hospital to see the works commencing, and to be sure that local content is being used.

Over the course of the last three weekends the whole hospital has had to have its electricity supply shut down. Something like 18 major generators have been brought in to keep the hospital functioning. It is a major piece of work, and the electricity contractor that is doing that work is a big local Shepparton firm. It is so good to see that happening. It is a firm that employs apprentices.

Part of the mandate for the development of this hospital is also that there be a percentage of Indigenous employment. That is so important in my electorate because it has the highest Indigenous population outside of metropolitan Melbourne. We have very high unemployment rates. We still struggle with young people completing education and, on that note, I would just like to mention a college in Shepparton, the

Academy of Sport, Health and Education. This was set up some time ago as a collaboration between the Rumbalara Football and Netball Club and the University of Melbourne, and it has taken young students on board, assisting them all the way through their secondary education and also through their engagement with the local TAFE college. There are young people now coming out of that college and taking up jobs in our communities. It is a project that is so well worth supporting.

I might add that just in relation to our Indigenous community, the government funded this year approximately \$23 million for the Munarra Centre of Regional Excellence. That is to be a very big sporting, educational and cultural building. I have seen the plans for it and they are truly impressive. Schools such as the Academy of Sport, Health and Education will move into that facility when it has ultimately been built. It will hopefully develop sporting people throughout the region a bit along the lines of the Michael Long Learning and Leadership Centre in Darwin, which is there to promote sporting opportunities for young Indigenous people. I have not had the chance to visit the Michael Long centre, but I really look forward to an opportunity to do that just to get the feel of how that operates and how we might replicate the parts that will work in Shepparton as we go forward.

Shepparton Art Museum has been housed in the civic centre for a very long time, and while it is a very lovely gallery it is unable to do justice to what we have in our community. The basement there has one of the best ceramics collections in Australia, but so much of it is just hidden underground and not on display. There is funding for the new Shepparton Art Museum, which is going to be a multistorey building on the banks of Lake Victoria as you drive into town, and those of you have been into Shepparton will know that as you drive in from Melbourne, on the left is Victoria Park Lake, which is a very beautiful part of our environment, with walking tracks and indigenous flora and fauna. On the edge of the lake the old Shell service station has now been demolished, and we are about to see the commencement of the new Shepparton Art Museum, which will be an absolute treasure and will give the old gallery the opportunity to actually bring out and display this incredible collection that we have. It is something that will cater to the whole community, with a whole range of coffee shops. There will be an Indigenous area, and there will be all these opportunities to display what we truly have in our collections in the Goulburn Valley.

Three hundred and fifty-six million dollars has now been invested in the upgrade of the rail between Shepparton and Seymour. I know all of you in this place have heard me go

on and on and on about that for a very long time. It was a passion of mine long before I came to the Parliament to try and improve our rail services from what were four old, shabby services a day on the 1960s classic fleet of trains, which we will still have for a few years before we get the VLocity trains, but the work had to be done on the tracks before we could ask the government, really, to deliver the next stage, which will be the trains. That has very much been seen as part of the overall project. There are something like 58 level crossings between Shepparton and Seymour. Many of those will have to be rationalised and dealt with, but there will be a passing loop for freight trains, so our passenger train can go through, and a stabling at the Shepparton station for the trains to be able to park overnight, leading to nine return services a day. Again, this is such a great opportunity for local contractors to be able to engage in so much of the work that will be undertaken — local content, local work and local young people having job opportunities.

We saw youth unemployment as a real issue in the years before I came to this place. Together with the new Shepparton education plan and all these works that are being undertaken, there is a real opportunity for much greater employment. I hope we will attract many more people to come and live in a place like Shepparton. It is the fifth largest regional centre in Victoria and is truly a wonderful place to live and has a lot to offer, cheap housing included.

A Shepparton bypass has received some funding to undertake some of the basic work that will be needed to plan and go forward. That will mean the building of a second river crossing. That is something that I will, if re-elected to this place, work very hard with the government of the day to see happen, because it is a major project of about \$300 million to get highways built and to bring in that second river crossing, which is so important. We only have one major river crossing between the east and west, and when it comes to fire, ambulance and emergency services, that becomes a real issue for us. So to have that river crossing for convenience but also for our emergency services will be excellent.

I believe that an industry participation office is going to be set up in Shepparton, and I am really pleased about that because with all of these projects underway to have our own office in Shepparton, working with contractors to help them gain work, is wonderful.

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

Ms GARRETT (Brunswick) (14:02) — It is certainly with a great sense of pride that I rise to speak on the Victorian Industry Participation Policy (Local

Jobs First) Amendment Bill 2018. This bill builds on the exceptional work of successive Labor governments, who have chosen to have the vision, the energy and the foresight to make sure that Victorian jobs and Victorian industry are at the forefront of policymaking. Just as making sure that our health policies are second to none and making sure that everybody has access to a quality education regardless of where they are born or where they reside, providing secure, dignified work for Victorians is one of the key hallmarks of Labor values. It has certainly been at the forefront and the absolute centre of what the Andrews Labor government has been about these last four years.

I do not think Victorians will be surprised at all to know that since November 2014 our economy has grown by almost 350 000 new jobs. In stark contrast to the previous mob, who chose to do nothing in their time on the government benches, who did not invest in projects that would deliver for all Victorians and who basically took a four-year holiday, this government got straight to work. It rolled up its sleeves and got on with the job. We have the largest infrastructure program that has been seen in Victorian history, and 75 000 new jobs will be created through this infrastructure program alone. This is about providing secure work for Victorians, but it is also about getting Victoria back on track, providing the projects that Victorians need in the fastest growing city in this beautiful country. A major driver — in fact, one of the key drivers — of this extraordinary success over the last three and a half years, which stands in such contrast to what came before us, is the deliberate and strategic investment in infrastructure. There is Melbourne Metro, the removal of level crossings, the massive investments in roads and the massive investments in public transport.

Of course, as a Labor government, it is no good providing jobs unless they are secure, good, decent jobs, where people are given the respect they deserve in their workplaces. We know that the government is a large purchaser of goods and services. We know that the government drives much of the growth within this state. The importance of this bill is that it uses those levers of government, again building on the work of previous Labor governments, to make sure that there is a local content driver, that there is local procurement and that there is a significant investment in making sure our young people get an opportunity to work on jobs and get the skills that they need to succeed in life.

On that, and in making sure that people have decent jobs and have decent opportunities, it was also a great honour to have the Minister for Planning introduce the Building Amendment (Registration of Building Trades and Other Matters) Bill 2018 this morning. That bill

will be debated. I do not propose to go into that, but many, many stakeholders, including the CFMEU, have worked incredibly hard to see that bill come to fruition, which is also a very significant piece of legislation to protect jobs, to protect the skillsets of those working on our many infrastructure projects and therefore to protect consumers down the line.

While we talk about that track record of Labor governments and the enormous quantity of work that has come to fruition in this current period of government under the Andrews leadership, we can look at the history of it. The Victorian Industry Participation Policy Act 2003 was passed in 2003 during the Bracks era. This enabled the government to implement the Victorian Industry Participation Policy. Since that time we have seen that the value of projects to attract this policy had to have a whole-of-life value of \$250 million or more. This was then lowered to \$100 million during the Brumby government era. Then in 2014, after those very lean years of the Baillieu-Naphthine governments when only eight projects were declared strategic with mandatory local content set, Victorian Labor committed to halving this \$100 million threshold to \$50 million. That was a huge change in terms of ensuring there were minimum local content requirements.

Then of course with this government, which spent absolutely no time sitting around on its hands or patting itself on the back, straightaway projects were going out the door and there was a huge amount of work by the Premier and the leadership of this government to make the Victorian Industry Participation Policy even better. We had in August 2017 a really significant moment when the Premier convened a jobs partnership summit. That summit brought together 80 representatives from the union movement, from industry and from our departments to identify ways in which we could maximise job creation, economic growth and job security in Victoria. One of the issues that was identified during that summit and all of the discussions in the lead-up to it and since was how we could strengthen the compliance of industry bodies to make sure that the very noble objectives of these policies can achieve realisation.

Then in November 2014, as a result of all of this work and as a result of learning from all of the projects that this government had instituted and that were well underway, the Premier announced that the government local jobs policies would be enshrined in law. He also announced what has been dubbed — and I think this is a most apt term — the ‘jobs cop’, the Local Jobs First commissioner, that will enforce the fact that we need local content targets and that we want to put Victorian businesses and Victorian workers absolutely front and

centre of all these enormous projects and all of this hive of activity and economic growth. It is a huge achievement. It really is at the heart of the values that the Labor Party stands for. This commissioner is again putting the money where the mouth is. Not only have all of these amazing projects being undertaken but the things that we said we would do to support local jobs, to support local content, to support Victorian businesses have been done every step of the way. Now here we are with this Local Jobs First bill being introduced.

Hanging off that and hanging off this bill is the work that has been done before. I would like to pay tribute now to the fact that 3500 opportunities have been created for local apprentices, trainees and cadets, and that almost 1000 of these are on the job already thanks to our Major Projects Skills Guarantee. As parents of young people or as their mates, we all want them to get the best start possible. We want them to obtain the skill set that they need. We want them to get the best skills because otherwise we end up with substandard projects that put people at risk. We want them to get the best skills possible and the best start in life. A quality apprenticeship is a ticket to security and a ticket to a meaningful and dignified career. We on the side of the house are incredibly proud that we have translated those words, translated our commitments to look after people. Regardless of where you find yourself, regardless of where you have come from, everybody deserves the right to have meaningful employment and to be treated with dignity at work.

This bill, as I said before, is standing on the shoulders of the many people who have come before, who have made local jobs and local content a core Labor policy. This builds on that. This bill means that Victoria will have the strongest local content policies in the country. We hope that enshrining these things in legislation and enshrining our jobs cop in legislation will make it very difficult for future governments to ever unpick this. This is a core standard that Victorians rightly expect from their governments — that when billions and billions of dollars of public money is spent, it is spent to enhance the jobs of Victorians and the businesses that call Victoria home.

Mr EDBROOKE (Frankston) (14:12) — I rise with great pleasure to speak on the Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018. Off the bat, I would like to congratulate the member for Niddrie, the Minister for Industry and Employment. I think this guy is an absolute gun. He is passionate, he is committed to his job and he is getting results. His staff are also unbelievably good at their jobs, and that is why we find ourselves speaking on such a great bill today, a bill that has been fought for

very hard by unions, by workers and by other stakeholders.

I would like to preface my speech with the fact that I grew up in heavy industry. My family was involved in heavy industry in the Latrobe Valley. Everyone I knew worked at Hazelwood, Loy Yang, Loy Yang B or Yallourn, as it was in those days. It was with great relish, I guess you could say, that I accompanied the minister to Hastings BlueScope last week where he was able to join with Jim, who is the plant manager, and have a chat about what has been actually going on with their figures and their data. It is an incredible story. BlueScope in Hastings has minimised staff over the years, especially due to very lean times when the federal government basically dared our car industry to move offshore and close down in Victoria. Now BlueScope have put on 100 people in the last year, and that is to cope with the work required to manufacture enough steel and the different products for domestic as well as international trade. Of course the domestic trade in a lot of ways is driven by business demand and building demand, but as the previous speaker the member for Brunswick said, we know that a lot of that demand is actually coming from government projects. We chew up a lot of manufacturing resources in getting things done.

It has been said before and I think it warrants being said again, we have the largest infrastructure pipeline in Victoria's history going on right now, and we need skilled workers to fill the jobs to get those large strategic projects done. It is worth saying that the previous government's record was pretty dismal in that. They had eight strategic projects to their name in their last four years, and I think under this government we are now looking at 88 strategic projects.

We have got Frankston moving, that is for sure. We have certainly got the state moving again. I love going down to Hastings because I know the member for Hastings loves a visit to Frankston and he loves to help out, so I like to help out a little bit down there and return that favour. We went down to the roundabout at the corner of Western Port Highway and Robinsons Road, and that roundabout is something that people in that community have wanted for such a long time it is not funny — years and years and years. It is being done under this government, and I am very proud of that. BlueScope in Hastings have got 100 jobs for local people in the Hastings and Peninsula area, and I am proud to bring that good story to the people of Hastings and the Peninsula. It is fantastic.

Since November 2014 our economy has grown by well over 300 000 jobs, and I believe 270 000 of them are

full-time jobs, and that is because of those strategic projects we are talking about. Whether it be level crossing removals, whether it be the \$2 billion-plus roads projects that are going on at the moment, Melbourne Metro or even airport rail, these are projects that are getting our community moving.

I must also add that it is with some dismay — and I think I share this dismay with other members of the community, and especially with those in the community I was born in, the Latrobe Valley — I note that the architect of the Latrobe Valley's demise by privatising everything in sight is now going to be at the head of the Liberal Party again. That is a huge concern for people in this community and in Victoria, and we are hearing a little bit about that now.

People enjoy knowing that they can go from their school education, which obviously we are providing with record education funding, into a conduit of opportunity. They can leave school and can take one of 30 000 free TAFE positions in over 30 courses from next year, and that is really giving opportunities to people in communities such as mine. It is all driven by something we have been talking about today — that is, the Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018. For the first time ever we are putting our mandate into law. We are committing this to law. This is a government that is putting local jobs first, and I know people appreciate that, and our local content policies are creating local jobs and providing opportunities for local businesses to grow our economy.

One of the offshoots of this that I have heard about in the Peninsula community is that some of our smaller to medium-sized businesses are not actually working on the larger projects such as the Overton Road level crossing removal or one of the other 13 level crossing removals on the Frankston line. They are not working on projects such as the 10 new stations that are being rebuilt on the Frankston line, but they are taking jobs with the larger businesses that are working on those projects. So they are actually one ahead in doing that, and they are actually enjoying the fruits of the labour of this government. But there is also a bit of a trickle-down effect with that. I am not going to say I support the economic debate around a trickle-down economy, but of course we are seeing some advantages for some of the smaller businesses and smaller trades in our community, which is fantastic.

The Victorian Industry Participation Policy (VIPP) applies to projects valued at \$1 million or more in regional Victoria and \$3 million or more in metropolitan Melbourne or for statewide activities. Under VIPP

projects valued at \$50 million or more or as otherwise agreed as strategic by the government have a minimum local content requirement and other conditions to maximise local business and job opportunities.

I previously mentioned being down at BlueScope Steel. When we were there we saw a ship dock there. It was unloading some steel that required pickling and coating, and they were going to spend the next three days loading steel onto that ship, which would then go to Port Kembla. Then that steel will actually be exported to America. I congratulate BlueScope on being able to negotiate a good trade deal with the US government in some pretty challenging times. They have done very well.

When I was at Hastings I asked how often these export ships come to Hastings now. Is it once a month? Is it once every six months? They said, 'Paul, a little while ago you would not see a ship for quite a few months, and now we are seeing up to two or three ships a month being loaded with local product from Hastings and being shipped around the world'. One of those products, Colorbond, is a product that people are actually asking for in the US. It is an Australian product made locally at Port Kembla and also at Hastings in Victoria. So this is actually putting Hastings back on the map, back to where it should be. I could go on for hours about this. I am pretty proud of this matter, but I do only have 2 more minutes to finish my contribution.

Whether it is health, whether it is education, whether it is infrastructure or public transport, the record this government is setting is huge, and it is going at a cracking pace. People are feeling the difference. Only the other day a parent said to me that she was confident that some of the crime statistics we have seen are going down — there has been a decrease of 14 per cent in the number of offences in Frankston — and that is because kids like hers have the opportunity to come out of school and get skills through further education, a tertiary education, whether it be at uni or TAFE, which should be something that people look at as a great alternative to uni. Some of those skills include skills that people said were dying off. Those same people said manufacturing was dying off, but nothing could be further from the truth. This includes skills like those of a boilermaker, for example.

We need those trades again, and that is because of these projects. It is because of people like the member for Thomastown, who has had a beautiful haircut this week. People are going to our TAFEs again in record numbers to get hairstylist degrees. The Premier was down in Frankston the other day and we actually visited some of these people to announce half-price rego for businesses that operate around some odd hours. I know

the member for Thomastown very much appreciates a skilled pair of scissors, and that is what she has got. She is looking a little bit pink, a bit like the US singer Pink, but we appreciate that.

We want to ensure that we have people with the skills needed to get the jobs so that we continue with local content and local employees in our conduit of infrastructure in Victoria. This is the way we do it, with bills like this. As I said from the outset, it is something that has been fought for by many people over many years, and I am very proud to be up here talking about it today. It is time we put this commitment into law. It is our government that is putting local jobs first. We are putting our money where our mouth is, and I commend the bill to the house.

Mr CARBINES (Ivanhoe) (14:22) — I am pleased to make a contribution on the Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018. Most Victorians would understand that you need to invest in infrastructure and services to provide a range of job opportunities for Victorians, and not only for those with tools on the ground. We need to invest in the materials that are required. Then we have to make sure that those materials are generating jobs and investment in local businesses across the state.

Some of the key projects in the Ivanhoe electorate that provide these opportunities in the first instance would include our level crossing removal project and the Hurstbridge railway line upgrade. The investment is over \$350 million when you look at the removal of level crossings at both Lower Plenty Road in Rosanna and Grange Road in Alphington, just outside my electorate, and also the duplication of the track between Heidelberg and Rosanna — a \$140 million project in its own right. We will see a new timetable and extra peak-hour services from August, but the key point I make is that some \$350 million-plus of investment in civil works between Rosanna and Alphington has not only provided great opportunities for skilled employment for apprentices but also in the materials that we have used on those jobs and how that generates opportunities for local businesses.

Can I say in particular that I have been pleased about some of the automotive transition programs that have provided job opportunities for those who previously worked in the automotive sector to come across and develop their training and skills on projects such as the level crossing removal and the Hurstbridge rail line upgrade project. Together with a member for Western Victoria Region in the other place, Minister Tierney, we were able to meet many of those workers who had transitioned out of the automotive industry and who are

now working in heavy rail and of course the associated works on the Hurstbridge line. That is also an opportunity to reaffirm our public policy credentials around Local Jobs First.

Other projects where we have been able to leverage that policy include the Chandler Highway bridge duplication, which is almost complete. It is a \$110 million project just outside my electorate, but it is critical to people in East Ivanhoe, Ivanhoe, Bellfield and West Heidelberg, who travel in particular through the Grange Road and paper mills corridor there. The Victorian Industry Participation Policy provides opportunities to ensure that the products and materials supplied by Victorian businesses can also be used in this \$110 million project.

I would also like to touch on investment in infrastructure in relation to schools over the past four years, which again has been a driver of job opportunities in my electorate. One is the \$11.5 million redevelopment of the performing arts centre at Viewbank College. There will be seven shows of *Singing in the Rain* next week, and there will be up to 3000 seats available for people at those shows. I will be there Friday next week to sit in the new performing arts centre at Viewbank College, my old school, and of course we have had significant redevelopment of classrooms there too. My daughter is at Rosanna Golf Links Primary School, where a \$6.28 million redevelopment is almost complete. It is a very significant redevelopment of the school, which has over 500 students.

Just up the road at St Martin of Tours Primary School, where there are also well over 500 students, a \$3 million project between Catholic Education Melbourne and our government is well and truly underway for many additional and modern classrooms. At Ivanhoe Primary School there is \$6.5 million worth of investment in new classroom facilities. Again these projects are providing opportunities for local tradespeople and local businesses. While some of them might be small in terms of the caps that they can hit around the Victorian Industry Participation Policy, some of the larger projects provide opportunities and potential not only to drive investment from local businesses but also to provide opportunities for local people.

We also see other projects across my electorate that have had significant investment. The Banyule-Nillumbik TAFE, the tech school, which is now almost complete, will open later this year as part of the reopening of the Greensborough TAFE campus. It is outside of my electorate but is certainly servicing

many people across my electorate at the West Heidelberg campus of Melbourne Polytechnic.

I know that also what has been quite significant, and is worth touching on and recapping, is that since November 2014 our economy has grown by almost 350 000 new jobs, so 75 000 new jobs will be created through our infrastructure program alone. If you are not investing in infrastructure and if you are not providing those opportunities, what does that mean for people's futures? What does that mean for our economy? What does that mean for our services for a growing population? In particular I want to touch on conversations I have had with local tradespeople in my community and in the electorate. What they are telling me is that there is a lot of domestic work that they are engaged in and they are going flat chat. Part of the reason they are pleased to be so busy is that so much civil work is going on that it has taken a bit of the competitive pressure off in some ways and it has allowed other tradespeople in my community to pick up a lot of local domestic work that is available. Depending on what your interest is, there are greater opportunities for people in the workforce in my community to get involved in the many civil works projects that are going on or they can pick up the domestic services and trades work that is available across the north-eastern suburbs.

Of course the government is a major purchaser of goods, services and infrastructure. I know in the past, from my role working as an adviser in the Bracks-Brumby governments, that we worked very hard around Health Purchasing Victoria. Some of the work that we did in health was to make sure we were providing opportunities by thinking more creatively and more widely about the use of taxpayers dollars to drive jobs and investment opportunities for local businesses. It was not only to drive jobs and investment but also to get better outcomes and prices with purchasing power for taxpayers and of course for the Parliament.

There have been many different venues in which Labor governments have sought to work through these public policy issues to make sure that we are providing best value for taxpayers, but also as part of that to generate opportunities, jobs, investment and income for Victorians. Certainly one other aspect that is particularly important is the setting up of the Local Jobs First commissioner to enforce many of the provisions that are being put into some of this legislation, and that will also provide other opportunities for local businesses. Can I say that our record of investment in services, particularly across the Ivanhoe electorate and in the north-eastern suburbs, is giving hope and opportunities to many people in my community and

also adding great value to where people live because of the improvements to services and connectivity in the local community.

Can I also say that what is important is that in order to continue a pipeline of works you also need to have a workforce available. That is where our investment in TAFE and our investment in education and opportunities to support our workforce, including our teaching workforce, and trades organisations like Melbourne Polytechnic is so critical to ensuring that we have the workforce and the people available to draw on in our community and that people understand as they transition from the automotive industry in particular that we have those programs, those partnerships and links so that they can continue to participate in the workforce. We want to ensure that people at schools and colleges in which we are investing across my electorate have a clear pathway — whether that is through vocational education and training, the Victorian certificate of applied learning, TAFE, trades training opportunities or university — and can see what those opportunities are for them and feel that the government is supporting and investing in the education venues and places that provide them with the skills that they need and the on-the-job training to set them up for life, really. It is really important that people are involved in projects, whether it be Melbourne Metro or the north-east link, that will be defining in their working lives and defining in the contribution that they can make to Victoria. I commend the bill to the house.

Ms NEVILLE (Minister for Police) (14:32) — It is a real pleasure to speak today on the Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018. In Victoria Labor governments have a very long history of putting in place protections — or opportunities, I think, is a better word — to leverage off government investment. What we have always acknowledged is that government has an opportunity to use its investment as a lever to drive new jobs and provide opportunities for local businesses to really get the best out of that dollar that it is putting into investments.

This bill really takes us a step forward. When we came to government it was actually one of our significant election commitments around steel — using local steel to make sure that industry, which was pretty much on its knees, could actually thrive and grow and continue. We had commitments around local content. We had commitments around apprenticeships. We committed to 10 per cent, I think it was, at the time of our major projects having apprentices as part of them. Again we were really thinking about not just job opportunities for young people but absolutely about opening doors for people to get the skills and the training they needed to

secure their long-term future as contributors back into their communities.

This bill takes us that next step forward through the mandating of local content requirements — somewhere around 90 per cent in construction and 80 per cent for services, projects and maintenance. It sends an incredibly strong message to those companies wanting to gain Victorian government work. We are a significant investor out there in terms of infrastructure investment. If they want to access Victorian government money and Victorian government work, they need to put their minds to how they engage with local businesses, how they engage locally and how they can deliver local outcomes for communities as a result of that work and that investment and make sure that jobs are created not just in the construction process or in the delivery of projects but also by way of long-term economic benefit to the communities in which those projects are being developed.

Since we have been in government 88 high-value projects, \$55 billion in strategic projects and 75 000 jobs have been created directly through that process. I have got a couple of projects in my own community. The Drysdale bypass, for example, is a \$117 million investment. This is a project that triggers all of the rules around local content. It triggers the employment of apprentices in that community. Not only will it be a game changer for that local community in terms of traffic and access on the northern Bellarine Peninsula, it will actually lead to long-term benefits for the local community in terms of young people who have got new skills and training and new opportunities into the future. It will assist in growing a lot of local businesses that will supply much of the material.

This has happened throughout the stages of the redevelopment of Kardinia Park. I am pleased that the Labor government has funded and supported every stage of that redevelopment so far — again local content. Seats have been sourced from local areas in the Barwon south-west region, creating opportunities for Geelong residents and supporting businesses throughout that whole region as they grow and develop and at the end of the day providing some of the best football facilities and ensuring that Geelong Football Club can continue to be a regionally based club —

Mr Battin interjected.

Ms NEVILLE — And of course, as the member for Gembrook has indicated, to ensure they can win. It has been tough this season, but we are hanging in there, and I am sure the future is bright.

The other area in which we have seen this policy being applied, particularly in relation to strategic projects, is in my portfolio area of water. I know that, for example, in the Lance Creek Korumburra water project we have got local content requirements and local content rules that must be met. Again it is a game-changing infrastructure investment in a community that wants to grow its dairy industry but where water security has been an impediment to doing so. We are delivering not only water security but, through that significant investment, apprenticeships, new jobs, local content and economic benefit more broadly to that South Gippsland community.

It is similar in regard to the South West Loddon pipeline. Those communities are part of dry grassland farming and are experiencing drought periods. There has been a long-term reduction in water security in those regions. We are delivering piped water, water security and the ability to invest further in those communities, but at the same time we are requiring other long-term benefits for those communities through local content requirements and apprenticeship requirements.

This is a really significant piece of legislation that again puts a marker in the ground about what this government stands for — what Labor governments stand for. We believe that there are real opportunities and obligations on government. When we are putting money out into the community and investing in the infrastructure that Victorians need, we want to get the best value out of every single dollar — every single cent — that is invested by government. That is what this bill is about. It is about using our power and our investment to leverage better outcomes — better jobs, the growth of small and larger businesses — for our community. That is what this bill does. I am very proud today to support this bill and wish it a speedy passage.

Mr NARDELLA (Melton) (14:39) — I rise to speak on the Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018. One of the things I did before coming into the Parliament was work in the metal industry. I worked in construction, and we did both construction and maintenance at a number of places, whether it was Huntsman, Monsanto, BASF or CSR. We in Victoria manufactured, refined and value-added to many of the things that we take for granted. It was very important back in the late 1970s and early 80s, like it is today, to have skilled people and to train those skilled people to do that work. I worked with some fantastic boilermakers. One of them was Pat Cook, who was probably the best boilermaker in Australia. I also worked with fitters and turners and others at VP Hawthorne that did work throughout Victoria, mainly at the Altona complex, but we went all

over the place to do construction and maintenance. That is what this policy is about. It is about the work that can be done here and the products that can be manufactured in Victoria.

A lot of the manufacturing expertise and jobs, like in the car industry, have been destroyed by the Liberal and National parties at the federal level and also at the state level because they never went out of their way to protect those jobs or those industries in Victoria or in Australia. It is important that whilst we are creating the infrastructure that we are creating at the moment we provide the opportunity for local industry, manufacturers and companies to be involved in that work.

It is important that it builds on the other policies that we have, such as the free TAFE courses. They will provide pathways for young people to participate here in Victoria, but you need the work to be continuous for that training and for those young people to be trained up. I have had a number of friends that have changed jobs. For instance, my friend Jake is a fully qualified chef and then changed and went through an adult apprenticeship and is now a boilermaker. It is important to have the work coming through to be able to keep these young people employed, to maintain their skills and to add value here in the Victorian economy.

I think one of the great tragedies is that in a lot of instances infrastructure and the construction of various projects — and the ships project is one that comes to mind — is not done here in Victoria. The opportunity is not given to Victorian companies. My honourable friend from Williamstown has a dockyard there that over many, many decades produced great ships, maintained great ships and should have been part of that process for the \$35 billion worth of frigates. But politically, and I think opportunistically, we have a situation where that work will not necessarily be coming here to Victoria, which is a great shame because the skills that have been built up over decades are not being utilised within Victoria. That is what this legislation is about.

Whether it is elevated train tracks or whether it is the work on the tunnel, the major projects here in Victoria in actual fact are the things that, when you amalgamate them all together, are actually massive contracts. The things that come to mind are the regeneration and construction of things like schools and hospitals. We have got the construction of the Joan Kirner wing at Sunshine Hospital. It is important to have local companies and local people involved in that process, and that is what this legislation actually encourages and is about.

When you do that you can then open up opportunities for these companies to do work interstate and also to tender and partner in work to be done internationally. Unless you give these companies the opportunity and encouragement to do this type of work here in Victoria they do not get those opportunities to do that work either interstate or internationally. There are many instances where companies have moved from the Victorian scene to other states or countries because they have gotten the expertise and they have then been able to use that expertise and that training to do that work interstate or internationally. It is important because through this policy they are being given the opportunity to tender for this work.

I was at a forum the other day, a regional forum in Wyndham, and there was a lot of discussion. The Minister for Health and the Minister for Energy, Environment and Climate Change were there and there was a lot of discussion about how companies within the western region can be involved in the tunnel project — the massive river crossing project to duplicate, in essence, the West Gate Bridge. These companies are encouraged to come together and talk with the main contractors and then see if they can be part of the process of tendering for some of that work. That means that we can train up young people and skill them up in the trades and in the areas in which they are needed, but it also means that there is a continuous amount of work that will be there for these people to then continue in their trade.

Have a look at the work that we are doing such as the second river crossing through the Transurban tunnel, which is really important for the people in that south-west region — and the honourable member for Bellarine is here — but also for people from the Ballarat–Melton corridor because it gives people that other opportunity in case something goes wrong on the West Gate Bridge.

There is also the Metro Tunnel. This is the first stage of the underground that was talked about and worked through with Sir Rod Eddington back in 2007–08, like the work that was done back then for the rail line to the airport. It was really interesting because all that work was done under Eddington and the thing that stopped all this work was a period of time between 2010 and 2014 when nothing happened. There were thought bubbles that occurred in terms of tunnels and east–west links that were really just pie in the sky stuff. There was talk of a metro tunnel that would go to Montague to service the casino, but it was not to service and do the work that the Metro Tunnel that we are constructing is about. That was a blocker for this state and for these companies that we are really trying to make up time for.

The real danger for Victoria is if the Liberals and Nationals get back in.

Debate adjourned on motion of Mr DIMOPOULOS (Oakleigh).

Debate adjourned until later this day.

ENVIRONMENT PROTECTION AMENDMENT BILL 2018

Second reading

Debate resumed from 24 July; motion of Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change); and Mr WAKELING's amendment:

That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until the proposals contained in the bill have been referred to, and reported on by, the Environment, Natural Resources and Regional Development Committee and amendments have been prepared to address the concerns that have been raised regarding the bill'.

Ms GREEN (Yan Yean) (14:50) — I am pleased to join the debate on the Environment Protection Amendment Bill 2018, and I am particularly pleased that the Minister for Water and Minister for Police is at the table so that I can commend her personally on the work that she did — notwithstanding that the current Minister for Energy, Environment and Climate Change is the member for Mill Park — because I know that the work for the overhaul of this legislation began long ago in opposition, because on the Labor side we understand that you actually have to work hard on policy and policy change and responses to issues whether you are in government or in opposition. When we were in opposition we actually committed to a public inquiry into the Environment Protection Authority Victoria (EPA) in light of the appalling response to the Hazelwood mine fire, which caused huge health concerns and indeed health impacts. That was on the watch of those opposite, and all they were out there saying was, 'You know, we'll get you a few mops and a vacuum cleaner'. This thing went on for weeks and weeks and weeks.

Then we had the Fiskville inquiry and the absolutely outrageous cover-up of Fiskville. I feel the Fiskville matter deeply personally. I have been at that training college on dozens of occasions myself, and I know many volunteers who have done much training there over decades. The previous chief officer of the Country Fire Authority (CFA) during our time in opposition, Euan Ferguson, admitted to me that although they had begun keeping records for career firefighters sometime

in the 2000s, there really only had been a few short years when records were kept of exposure or of the actual fact that volunteers had even been at the college, let alone what they may or may not have been exposed to. One of my family, my much-loved uncle, Alan Radford, was a longstanding CFA volunteer, and to my knowledge he is at this stage the only volunteer who has been part of the class action. It has sadly been primarily career firefighters and other personnel who actually worked at the college or neighbours or those on farms or children that were educated at the school at the Fiskville CFA training college.

Not only did we commit to an inquiry in opposition, but in government we acted upon that and undertook an independent inquiry into the EPA. The inquiry commenced on 1 June 2015 and concluded on 31 March 2016 when the ministerial advisory committee provided their report to the minister. The government released its response to the report on 17 January 2017, and the first piece of legislation, the Environment Protection Act 2017, passed the Parliament and received royal assent on 24 October 2017. The bill now before the house, the Environment Protection Amendment Bill 2018, completes this reform started by us in opposition.

I have not been in the house for all of this debate, but earlier this week I was in the chamber when I heard part of a speech given by who I understand is the lead opposition speaker on the bill. He criticised us for saying that there had not been enough consultation and not enough background work done on this. I do not think that you could say any piece of legislation or piece of public policy has had such a rigorous examination and consultation. I think that the community have actually spoken, and they want change. They include the CFA volunteers, the CFA career staff or the neighbouring people in the communities of Fiskville and Ballan that have really seen their livelihoods and their lifestyle turned upside down by the cover-up by those opposite of the Fiskville training college.

Then of course we have the whole community of the Latrobe Valley that had their lives turned upside down by the Hazelwood mine fire. I know some of the volunteers at my local brigades — brigades I have been a member of in Diamond Creek and Doreen — who actually turned out and attended to that fire. They found themselves to be quite ill afterwards. That might have been a couple of short shifts they were there, and I believe the member for Frankston as a career firefighter was there. In the end, because of what I knew about the cover-up of Fiskville that had become clear, I was saying to volunteers, 'Don't go'. Not that the

community did not need to be protected — of course they did — but I thought that at least there was WorkCover legislation that meant that career firefighters who were working there had a greater chance of being protected than volunteers did.

Should we be surprised that those opposite say that there has not been enough consultation and not enough work done on this? When we look at what happened on their watch —

Mr Clark — Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

Ms GREEN — I am not surprised that the opposition would call a quorum on me when I am talking about inconvenient truths for them and their absolute ignorance of community safety and of responding to very, very serious matters like Fiskville and like the Latrobe Valley mine disaster.

I have many goldmines in my electorate. My father grew up in that goldmining area throughout Central Victoria, and the community had very deep concerns about settlements that occurred around former goldmining areas. Sometimes they were a bit concerned about a lack of action from local councils and other authorities that might not have done the right thing or might have kept information from communities. Still today I have various community members raising matters like this with me, so I know that my community does not agree with those opposite that there is not a need for improved powers for the Environment Protection Authority Victoria, for it to have real teeth and for there to be an ability for community members, where they see something is wrong, to propose some action as well.

I understand the concerns that have come out through the Australian Industry Group, but I think they have to be balanced with community safety. When we look at some of the worst environmental disasters across the world and how poorly they have been cleaned up, we want to make sure that we are a model jurisdiction. We were one of the first jurisdictions in the world to introduce an Environment Protection Act. I was in primary school when that was introduced —

Mr Pearson — No, you weren't born.

Ms GREEN — Thanks, Danny. It is long overdue for this act to be overhauled. I commend the minister at the table — the Minister for Energy, Environment and Climate Change — and her predecessor and everyone

who has been involved in this work. I commend the bill to the house.

Ms STALEY (Ripon) (15:00) — I rise to speak on the Environment Protection Amendment Bill 2018, and I wish to speak briefly in opposition to the bill. I have two concerns about this bill, and they are of course the introduction of the general environmental duty and the introduction of third-party appeal rights. I particularly want to talk about the change that has come over the Labor Party since 2008 when they introduced genetically modified (GM) crops into Victoria when the moratorium on GM was lifted by the Brumby government, I believe. Now we are at a place where the same party is seeking to introduce third-party appeal rights. In other places where we have seen that it is in fact GM producers, GM farmers, seed companies and the whole grain storage system that have been targeted, I believe really unfairly, by activists who are seeking to shut down a legitimate and legal enterprise based on their opposition to genetically modified organisms.

I am a former grain grower. We grew GM canola on our farm. It was part of the whole system that we grew. Some years we grew GM canola; some years we did not. It just depended on what was in the mix at that time. It was a useful way to control weeds on our farm at Willaura North. So I have a strong interest in this. In addition, there are many other agricultural practices that have been targeted by activists working on similar provisions to those in this proposed Environment Protection Amendment Bill. As we know, as we get further away from people having a grandparent or parent on a farm or themselves being on a farm, a lot of intensive agricultural practices are just not accepted by activists, particularly Animals Australia, and they have used provisions such as these to shut down these industries, so I am concerned that the government has introduced these provisions.

I do note, though, that the third-party actions cannot commence until 1 July 2021, so it does seem to me that the government has recognised that there may be some issues here, and the transition period towards that is a long one. The whole civil remedies side of this bill is of great concern to me as someone who lives in country Victoria and understands the importance to the economies in country Victoria of agriculture, including intensive animal agriculture, genetically modified organisms and just generally conventional cropping, which uses pesticides and herbicides, where we have seen conflict, if you like, between different methods — say, conventional versus organic operation systems. It does seem to me a great risk that we are introducing a new set of people who can appeal on what are very, very normal agricultural practices.

I think also that there are things we have in the country, like septic tanks and the like, that not everybody understands fully their responsibilities for and rights to. Under this legislation they can be held liable in ways that they previously could not. I do think that the way this bill is drafted, with a general environmental duty, makes it very hard for people to understand what they are meant to do with that. Guidelines and rules and regulations, which is the current way the act works, can be understood. I think this opens up an approach for which it is very difficult to know where the edge is — what is permitted and what is not permitted.

I have no problem with significant change to the current act. I do think that there are clearly areas in which we need modernisation. I just feel that these two provisions — that of the general environmental duty, which underpins the entire thinking behind the bill and the structure of the bill and is therefore not easily amended or changed away, and these third-party rights — open us up in Victoria to an incessant line of well-funded international environmental groups that have particular barrows to push with agriculture, and I particularly refer again to genetically modified crops. This is not the way that I believe we should be going. For these reasons I oppose this bill, and I believe we should have had another look at it rather than bringing it on to a vote today.

Mr PEARSON (Essendon) (15:06) — It is a joy to join this debate. What a wonderful afternoon it is, and it is wonderful to see you in the chair today, Acting Speaker Thomson. It is incumbent upon me to take up some of the comments made by the member for Ripon, because the member for Ripon seemed to be suggesting that genetically modified (GM) crops are somehow captured by the bill that is before the house. I am advised, member for Ripon, that they are not. Because GM crops are not pollutants, they are not part of the bill.

Ms Green interjected.

The ACTING SPEAKER (Ms Thomson) — Member for Yan Yean, the member for Essendon can do well enough on his own.

Mr PEARSON — This bill is very important because it seeks to modernise the Environment Protection Authority Victoria (EPA). I actually thought that Dick Hamer got the credit for the establishment of the EPA, but in actual fact it was Bolte. It was only the third environmental agency in the world. I think the first one was actually the EPA created in the US by Richard Nixon. I remember a number of the conservative commentators and thinkers at the time were quite concerned that Nixon would go down the

path of creating the EPA. I think a number of them at the time were quite surprised that Nixon would choose this particular path. I think Nixon took the view that it was important that he try to broaden his popularity and his credentials, so it made some sense that he would go down this path.

The bill seeks to really modernise the EPA and bring it into the 21st century. I think if you look at the genesis of the EPA in its original formation in the 20th century, it was a reactive agency created to punish those who pollute and to use those punitive measures as a way of encouraging good behaviour. I think what the bill is seeking to do here is more about trying to prevent pollution occurring in the first place and trying to have a more nuanced and targeted approach. It is important, obviously, and I think this was very much a function of the late 20th century: to try and instil good behaviour by having a blunt instrument with very significant and onerous penalties. It was probably useful to try to deal with some of the worst excesses and the worst behaviour of that period of time. It was not that long ago. I remember driving over the Dandenong Creek at Boronia Road when I was a kid in the 1970s and you would see at different times the pollution that existed in the Dandenong Creek, and some of the waterways in our urban areas were just putrid and filthy. Instead I think what the bill is trying to do now is to look at encouraging a better response to make sure we have got a more customised approach to these initiatives.

The bill is a weighty tome, I think it is fair to say. When the bill was second read in the last sitting week I was tempted to take it home for a bit of light reading, but I was not sure if either I or the bill would survive the 5.35 p.m. Craigieburn train on a Thursday, so I left my copy here. If you look at it, it is a substantive bill. As a society and as a community we have changed, and I think that we recognise that we are growing at a rapid rate and Melbourne and Victoria now are very different to what they were in the 1970s. When you think about it, back in the 1970s we had a population of around 3 million people; you had quarter-acre blocks and people tended to live in their own environment. They played in their streets or in their backyards or front yards. It is different now. We are looking at close to 6 million people and within the next 20 years we are going to be looking at more like 8 million people in this state. While the policy settings are such that we have 200 000 people coming into our country each year through heightened levels of migration, that is just the reality of the situation. When you have got people having large families as well, that also contributes to a large population growth — me included, member for Eltham.

Therefore that means we are having greater constraints put on our environment and people are using public open spaces far more than would previously have been the case, and I think people are expecting higher standards. I used to look at the Dandenong Creek and be quite surprised when it looked like a bubble bath with all the foam that existed, but it was a moment of curiosity; perhaps there was a level of perplexity as to why that would be the case. I think if that were the case now, there would be outrage and revulsion. I think in more recent times we have seen instances where there have been environmental leaks and environmental damage, and there has been a very strong response from the public and the media. So a bill like this is important to try and recognise the times in which we live and to protect the public open space that we have.

Again, I find it is a great joy to be able to come into this place and talk about the things that I believe are important to my community, my party and my movement, and it is a real honour to be able to support a bill like this from the floor of the house. But I have got to say to you, Acting Speaker — I walked over to you before to try and check the speaking list — where are the Greens? Where are they? This is the most substantive rewrite of environmental protection legislation this state has seen for decades and these snoozers have gone AWOL; they have clocked off. Seriously, I reckon you could use a term from the 19th century: they are working ‘gentlemen’s hours’. I think they rock up here at 10, they make sure they are not here for prayers, they flit in and disappear when it is lunchtime and go off to the club to talk to the chaps. They are not here to do the hard work, and they are not interested. It is hopeless. For goodness sake, you wonder. This is the most extensive rewrite of environmental legislation in the state of Victoria in the 21st century, and these bozos are absent; they do not care.

I have seen that they are not speaking; they do not care. They will rock up here in a couple of hours time and they will vote for it. ‘I did my job for my constituency and my community. I said yes’. Good for you; you said yes. You did not oppose the most important piece of legislation to protect the environment we have seen in decades, and you said one word, ‘Yes’. They forfeit the right to be here because they are just dilettantes. The thing that frustrates me is that they do not come in and talk to the things that they profess to believe in most dearly. They put themselves up for public life; they put their name on a ballot paper in order to run for public office, in order to sit here. Now, those of us in the major parties know it is very, very difficult to get supported to represent your party in an election. It is not easy. At times it takes a lot of hard work. It is even harder to convince people that you deserve the right to be here. You do not just wake up one morning and say, ‘I’m

going to become a member of Parliament’. It takes a lot of work — hard work.

These snoozers managed to convince a majority of their voters to vote them here, and when they come here they do not spend time here. How does that work? It is just an affront to Westminster democracy. At the risk of sounding like the member for Kew, I do actually value the institution of the Parliament. I actually value this place. I value this great chamber, this amphitheatre for the battle of ideas. This is like the colosseum of public policy in Victoria, and these jokers are out there selling dates to the masses. They are not here fighting. They are not here standing up. They are not professing their views. What are their values?

If you are not prepared to speak up for the environment and you are a member of the Greens political party, why do you bother? Just go and have a 2-hour slot on 3CR. That is where they belong. Go and write a blog. Spend time on 3CR. Open a vegan cafe. Drink your soy lattes. Honestly, it is laughable. I know I am laughing, but honestly these people do not deserve to be here. There are not prepared. The member for Prahran will speak up in defence of convicted drug traffickers and convicted cop killers, but not a single member of the Greens political party is prepared to come into this place, defend the environment and speak to and support the most important changes to the environmental protection legislation of the state. They should be condemned.

Ms HALFPENNY (Thomastown) (15:16) — I am also rising to speak on the Environment Protection Amendment Bill 2018. I do not think I will be able to compete with the lively contribution from the member for Essendon, and I will not even try. I will just stick to the legislation.

The amendments that we are discussing today are very welcomed, I think, by everybody on this side of the house. I see that the minister responsible is in the house. This bill is a really fantastic amendment to the environment protection legislation and the workings of the Environment Protection Authority Victoria (EPA), which of course is there to protect the environment.

I am going to go through a bit of a summary of some of the main points in the bill, and then I would like to speak a little bit as the chairperson of the inquiry into Fiskville, as some of the failings of the EPA were very glaring. This legislation sorts some of them out, although it is in response to the review of the environment protection legislation. I understand that very shortly there will also be more information about the government’s response to the actual Fiskville report. Some change is very welcome and addressed in these legislative changes. Rather than

legislative change, there may be more practical things needed in terms of Fiskville.

First of all, there is something here that is great to see. At the centre of the environment protection legislation will be a general environmental duty to care for the environment. This means that those who engage in activities that may give rise to risks of harm to both the environment and human health are at the very centre of this legislation. This is what it is all about: protecting the environment and protecting humans from contamination and pollution.

Another really important part of this legislation, which I think is groundbreaking, is a provision to impose what are called monetary benefit orders. Many times a company will flout the law and pollute, or not do the right thing in terms of containing contamination, because it is financially not in their interest to do so. The money that they make out of polluting the environment is more than what the fines are, because the fines are often small. While fines and penalties have been increased in this area, there is also now a provision that says that the courts, when penalising and providing orders against companies that do the wrong thing and pollute our environment or create risks for human health, also take into consideration the amount of profit they have made out of that pollution. Therefore the final penalty may not just be what is contained in the statutes and law books, but could be over and above that amount if the profit that the company makes is greater than the statutory penalty they would be required to pay. I think we have seen many instances where companies just flout the law because they see it as more costly to obey the law than it is to flout the law, even if they get caught and they are penalised and found guilty for it.

There are also going to be — and this we know is a hot topic of conversation — reforms to waste management systems. I would hope that this would also mean that, with the way that the wastewater and contaminated water at Fiskville was managed, this would capture that in some way and make sure that in the future companies must manage their waste in a much better, organised way than was done at Fiskville. In that situation there has been massive contamination of the land, not only of the Country Fire Authority training centre at Fiskville that has been closed down, but also of the properties around that fire training centre. In fact at least one family had to be compensated and moved. Compensation is never enough, and there is never an amount that takes into account how the people have suffered and the fact that they have to move and, with land prices, where they have to go. This will be another really good change in the laws.

There are also going to be new duties to manage contaminated land, and the bill will also clarify the obligations and specific people to be nominated to be responsible for any contamination or potential contamination. Those people would also have a requirement to notify if they do discover that any land that they are working with or on, or are involved with, is contaminated.

Also, there is going to be a reform of the environmental audit process. This will allow for a reduction in costs and also increase flexibility in certain areas. The Minister for Energy, Environment and Climate Change, representatives from council and I were in my local area, in Epping, in the Thomastown electorate, to announce this reform. At the moment, if there is contamination on a site, the amount of testing and red tape that is required is quite large and quite expensive, even if the contamination or degree of pollution is quite small. The idea is that where there are lower levels of contamination that are not as great a threat to the environment and which can be managed more easily, this regime will mean the cost is reduced and there is a more flexible way of addressing it. Rather than a full-on audit, there is a lower level audit so that when you are looking at heavy contaminations versus smaller contaminations, they will be dealt with in a separate way rather than by taking a one-size-fits-all approach.

The game-changing part of this legislation that I think everybody in Victoria, other than the member for Ripon, would have to say is fantastic when it comes to the rights of the community and reasons of justice is the ability of third parties to prosecute or seek civil remedies against the EPA where they have failed the community and not made sure that we are protected or our environment is protected from the activities of businesses and others that contaminate and create health risks for us. In doing this, we hope that there are not many actions taken by third parties, whether they are unions or environmental groups. We would hope that just having this legislation would mean that the agency is being proactive and making sure that they are doing everything they possibly can and need to do to make sure that our environment is clean and that we are not being exposed to terrible contaminants that create major health issues, including cancer.

I will now go back to the Fiskville inquiry. At Fiskville there were two actual areas of contamination, which I think sometimes get missed. One was very well known poisons and toxins and well-known, well-documented, chemicals and contaminants that were scientifically proven to cause cancer and illness in people. The EPA at the time really did nothing in a proactive way to manage those contaminations or protect both the people

living and working at Fiskville or the surrounding area. Then there was the later contamination, which was things such as PFOS, which we are still dealing with at the moment. This is a chemical that is toxic. Again, we talk about what are the safe levels and so on, but it is toxic; it is dangerous for human beings and human health. Again, there was really very little regulation or anything that the regulatory agencies, including the EPA, did to ensure that human beings were protected, including children who were learning at Fiskville Primary School. This legislation is really good news for the environment and for people to ensure that we have even stronger laws to protect us and our community.

Ms THOMAS (Macedon) (15:26) — I am very proud today to rise to speak on the Environment Protection Amendment Bill 2018. This is a significant reform by the Andrews Labor government. It is the centrepiece of our government's once-in-a-generation commitment to reform, modernise and strengthen that great institution, the Environment Protection Authority Victoria (EPA), one that I am sure we would all agree is well overdue for reform. In saying that, can I congratulate the Minister for Energy, Environment and Climate Change and member for Mill Park, who is at the table, on the work she has done and on her strong advocacy on behalf of the environment, and indeed the former minister and member for Bellarine, who held that portfolio for some time. What great advocates we have on this side of the house and what a contrast to those on the other side, but more of that a little later.

The bill before us today completes the reform required to give effect to the Andrews Labor government's response to the independent inquiry into the EPA. The bill overhauls Victoria's environmental protection laws and provides a modern, fit-for-purpose legislative framework, moving from a post-harm to a preventative model.

If we look at some of the bill's details, it simplifies the description of the EPA's functions; it establishes a general environmental duty as the cornerstone of a regulatory scheme to protect human health and the environment; it simplifies and clarifies the statutory principles of environmental protection; it modernises and streamlines the permissions scheme; it expands the range and severity of penalties, which I am very glad to see; it modernises and simplifies the setting of environmental protection standards; it provides third-party rights, allowing a person with an interest in the matter to seek a civil remedy for breaches of the law, a reform that has really been welcomed by so many in the community; it provides for more adaptable, targeted and risk-based waste management; it improves the identification and management of contaminated land; it delivers a more flexible and cost-effective

environmental audit system; and it modernises the EPA's powers and obligations for information transparency, disclosure and sharing.

It was this government that established the independent inquiry into the EPA. That was part of an election commitment. This is a government that delivers on each and every one of its election commitments, and so it is with the EPA bill. Our response to the inquiry committed to updating our environment protection laws in two stages. Stage 1 was delivered in the Environment Protection Act 2017. It strengthened the EPA's governance by establishing a governing board, a statutory objective for the EPA, and the statutory roles of chief executive officer and, importantly, chief environmental scientist. This bill delivers stage 2 of our legislative reforms by amending the 2017 act and repealing the Environment Protection Act 1970 to comprehensively overhaul Victoria's environmental protection scheme. It is really important to note that all of this work has been complemented by commitments in both the 2017–18 and 2018–19 state budgets, with \$182.4 million over five years to deliver on these reforms to the EPA.

I did want to reflect on this commitment, coming off the back of the previous government's woefully inadequate and negligent response to two very significant environmental and health threats and disasters in this state. I am very proud to rise straight after my friend and colleague the member for —

Ms Ward — Thomastown.

Ms THOMAS — Thomastown — and to be reminded of that by my friend and colleague the member for Eltham. I note also the member for Mordialloc. These three members participated in the delivery of yet another Andrews government election commitment, which was a full parliamentary inquiry into the scandal that was the failure of both the Country Fire Authority (CFA) and the EPA to adequately safeguard the health and safety of firefighters at Fiskville. It was this government that took the decisive action to close Fiskville, because we would not stand by and allow our volunteers and career firefighters to be exposed to cancer-causing chemicals. Only a Labor government would take such decisive action, and as I said, I am very proud to be part of a government that took those actions. Of course we will never forget the neglect of those on the other side. What we know is that the CFA knew that Fiskville was contaminated and yet that lot on the other side chose to ignore that. In fact we are forever indebted to the late Brian Potter for blowing the whistle on the cover-up at Fiskville.

That reminds me of yet another environmental and health disaster that was woefully and negligently managed by those on the other side, and that was of course the 45-day fire at the Hazelwood mine — the fire that burned for 45 days. Where do you think the then Minister for Community Services was during the entire time of that fire and indeed for a full month after the fire? Did she take the opportunity to go and visit those affected communities? Did she take the opportunity to head up and see how those communities were faring? No, she did not, because we all know what the Minister for Community Services in the previous government was doing at that time — she was fighting the now member for Kew tooth and nail for preselection for the seat of Kew, a seat of course that we know she failed to secure.

If we look back at what happened with the Hazelwood fire, again it was this government that reopened the inquiry into the Hazelwood mine fire disaster, because we would not accept it as the former Premier did. The former Premier, Denis Naphine, went out very early on and said there had been no deaths. Well, let me tell you that subsequent to the then Premier making that astonishing claim research has suggested that perhaps at least 11 deaths in the Latrobe Valley could be attributed to that great disaster. So we reopened the inquiry. We have committed a lot of funding to ensure the health and wellbeing of people in the Latrobe Valley so that we can look after those people that need us. We are not just sending them up a few vacuum cleaners to clean up their houses — that is what the then government's response was. It was yet another, as I have said, case of extreme negligence.

This really brings me to the part of this bill that I am very excited about. It gives the EPA a proactive responsibility so it does not just respond to environmental threats after the fact but can be on the front foot and working to stop those threats becoming a reality.

The other part of the bill of course is the third-party rights. Having talked about what happened at Hazelwood, it is probably appropriate that I finalise my contribution with some quotes from Voices of the Valley president Wendy Farmer about the disaster that was the Hazelwood mine fire. This is what Wendy Farmer had to say:

The Latrobe Valley community knows what it's like to have to wait for the EPA to take legal actions. We also know how quickly we can get things done when our community works in a united way.

If these new rights to allow communities to take legal actions had been available to us after the Hazelwood mine fire we

would not have had to rely on the EPA to take legal action and definitely wouldn't have waited two years to do so.

...

Since the Hazelwood mine fire the EPA has been given the tools and powers to not only react to pollution events but to take precautionary measures to prevent events happening — this reform complements the work that has already been done.

Wendy went on to say:

The environment belongs to everyone so we should have the right to enforce the law so that ours and that of our families' health and environment is protected.

These proposed laws will be an important safety net for communities like ours. We can't see why all sides of government wouldn't see this reform as a step forward for the protection of our health and environment.

And I say to this house: if this is a bill that is good enough for Wendy Farmer from Voices of the Valley, it is good enough for me, and I commend it to the house.

Mr DIMOPOULOS (Oakleigh) (15:36) — It gives me great pleasure indeed to speak on the Environment Protection Amendment Bill 2018, and why wouldn't it? Who would not want to speak on such an important, fundamental bill? I know who. As the member for Essendon said, the Greens political party. I just want to make a couple of reflections on that before I get to the substance of the bill. The member for Essendon, in a very accurate but colourful contribution, talked about vegan cafes and made some other references to the typical attributes perhaps of —

Ms Green — Wholemeal jumpers.

Mr DIMOPOULOS — Wholemeal jumpers, the member for Yan Yean is saying. But fundamentally there is nothing wrong with vegan cafes. I enjoy a largely vegan diet. I think that while that is colourful, fundamentally what is disturbing about the branding of the Greens political party is that they get away with so much for doing so little. They talk a tough game when it comes to the environment, but where are they today in the chamber? Not only that but it is absolutely clear if you look at the statute books, at major policy decisions, at major programmatic funding and at major budget initiatives that the Australian Labor Party is a true party of the environment. It always has been federally and here in the state of Victoria. Our achievements in terms of protecting the environment in a way that is committed, genuine and balanced have no parallel in the Australian political landscape. The Greens may pretend they are interested — and they probably are at an intellectual level and in an ephemeral sense — but we are consistently committed to the environment.

Just in these three and a half short years of this proud Andrews Labor government we have seen the Climate Change Act 2017 — the first act of its kind in Australia — introduced by this government in 2017 to set zero emission targets by 2050 and cascading targets before we get to that point. We have banned fracking — this government banned fracking. We have introduced the *Protecting Victoria's Environment — Biodiversity 2037* plan to protect our biodiversity. We are reviewing the Flora and Fauna Guarantee Act 1988, an act introduced by another proud Labor government, the Cain government, in 1988.

Despite opposition by the opposition in this Parliament, but also opposition federally, we have maintained a Victorian renewable energy target because we think that it is important. Yes, we think it is important that a national leadership take shape in this space, because the environment does not stop at the borders of Victoria, but we are not going to wait. We are not going to wait for a government that still has too many climate change deniers amongst its ranks to do anything about this.

We have actually enabled wind farm and solar energy like no other government in Victoria's history. We got rid of the ridiculous laws that prevented large tracts of land in Victoria being used for wind energy, which were put in by the previous government. We have also set up the very unique Victorian renewable energy auction scheme. I am open to being corrected by the minister at the table, but I think the first renewable energy auction scheme was oversubscribed. It has had very good feedback from the market, and it will produce 650 megawatts of power. We have created a new regional park. One of the first bills I spoke on in this Parliament was to remove cattle grazing from the alpine forest. That is genuinely just a summary. There are many more achievements by this proud Labor government.

Just to finish on the point of the Greens, not only are they not here in this chamber at this very moment when we are literally rewriting, almost root and branch, the fundamental environmental protection legislation of this state but you can also compare their record with ours. I am not even going to talk about the opposition's record. Despite the fact that a proud previous Liberal government in the early 1970s did introduce the Environment Protection Act 1970, they have strayed such a long way from the proud liberalism of decades ago.

What we are doing here today is we are protecting our most fundamental asset. It is so fundamental that people often do not acknowledge it as an asset. Our environment is absolutely an asset. It is not only an asset in terms of our lived experience — our ability to recreate, our amenity and our ability to play sport and

be able to go outside without it having health impacts — but it is also fundamentally important to our economy in myriad ways. As we progress in terms of economic growth and development and population growth, there will be more and more opportunities — but also challenges — in terms of the intersection between commerce, environmental impacts and livability. I think the Environment Protection Authority Victoria (EPA) and the powers that the act gives it are the first recourse and the fundamental recourse of every citizen and society at large to protect that amenity, that livability and our environment.

Just quickly, to trace back some of the journey that the member for Essendon and others have traced back, a Liberal government — when they were a decent party 40 years ago — introduced one of the first EPA bills in the world. Since then the economy has increased to a large extent and the population growth of the state has been unparalleled, but not much has changed in terms of the statutory powers of the EPA. But more than just statutory powers, in terms of a cultural element there was a view that we should not prevent environmental damage and make this a core part of living in Victoria and doing business in Victoria. Instead the EPA was more focused — because the legislation spoke to that focus — on dealing with harm once it had already been caused and dealing with environmental disasters once they had already happened. We are changing that; we are fundamentally turning that around. We are basically setting up a framework which puts environmental care front and centre of the normal conduct of business. In a sense, as I think others have mentioned, this is like occupational health and safety legislation — it is something that you cannot ignore and hope for the best. It is something you actually cater for in your business plan and the way you conduct yourself in this state.

I want to briefly mention the Glen Eira Environmental Group, which is a group in my community that contributed to the submissions in 2015 that led to the first bill — which I also spoke on in August last year — but also to this bill and the review of the EPA. They mentioned that at the very beginning of the Environment Protection Act 1970 the precautionary principle talks about:

a careful evaluation to avoid serious or irreversible damage to the environment wherever practicable ...

They used that as one of a number of examples where the act did not do justice to itself or to the environment — where it lacked integrity in saying, 'Well, let's protect the environment as long as it is practicable'. Now that has changed. That precautionary principle now reads very differently but so does the

fundamental act. The EPA under this bill will have more power and significantly greater fines. I think for corporates it is \$1.6 million at the first threshold and \$3.2 million at the next one, and for individuals it is over \$300 000 at the first threshold and then for intentional harm, I think, it is \$600 000-odd. So there are much stronger penalties and there is a much clearer definition and core principle of protecting the environment as a general environmental duty, which has to be at the core of the actions of every citizen and every business.

This simplifies and clarifies the statutory principles. It modernises and streamlines the permission process that businesses have to go through to conduct their affairs, but it also strengthens local environmental protections and citizens action through other provisions that my colleagues have spoken about — third-party rights — and it does it in a balanced way when you have an interest in a matter. We have also started funding environmental protection officers that are employed by local councils with authority, with power and with the ability to help citizens in their concerns.

This is a new dawn, and it is no accident that this has been done by a Labor government. I commend the minister and I commend the bill.

Ms GRALEY (Narre Warren South) (15:46) — It is a pleasure this afternoon to speak on the Environment Protection Amendment Bill 2018, which as other speakers have indicated to the house is the second of the two bills to overhaul Victoria's environmental protection agency. Having spoken on the first one I have had the experience of putting on the record some of my views on this matter, but I have a number of other considerations to relate to the house today. They have grown out of my reading and research of recent times.

One of the persons I have been greatly impressed with in recent times is the amazing Kenyan environmentalist and Nobel Peace Prize winner Wangari Maathai. She led the green belt movement in Africa, which has transformed many African landscapes and given that land new life — new life for the people of that land. The land can now produce again a living for them. She says:

The environment and the economy are really two sides of the same coin. If we cannot sustain the environment, we cannot sustain ourselves.

She says the problem is:

The generation that destroys the environment is not the generation that pays the price.

I really think that, as elected members of Parliament, as adults in this community, as people that should have a

good ear for what is going on out there in the wider community, we have an immense responsibility as legislators and policymakers to really take the issue of the environmental crisis and protecting the environment very seriously. So it is a surprise to me, like other speakers, that the opposition has nothing to say on this matter, and if we take the message of Wangari Maathai that the economy and the environment coexist, at least opposition members could come in and talk about their pet projects around the economy and try to talk about it in ways that are in tune with the issues of environmental sustainability and about the future life that our children are going to have.

The Greens have also gone missing, as other MPs have mentioned. This is the core of their project, one would suggest, yet this afternoon on this day when we have this very important legislation before this house — landmark legislation that is going to reform, make better and modernise the Environment Protection Authority Victoria (EPA), the major protection agency in this state — they have gone missing, nowhere to be seen and certainly nowhere to be heard. So it is very disappointing that we do not have a joint ticket on protecting the environment and promoting environmental sustainability in this state, but it does not surprise me because it has always been the Labor Party that has had to be the initiator and the proactive facilitator in the area of environmental protection and environmental sustainability.

We have got a strong record here — other speakers have spoken about that — but I always look back and think about the number of national parks we established last time we were in office and the work we have done in establishing some state parks in Victoria in this term of office. These beautiful places for people to work, live, travel to and enjoy are really the lungs of our state, and it is very, very important that they are protected.

I am a strong believer that we are facing an environmental crisis, and it keeps coming back to me in everything that I see, whether it be the mega size of the plastic waste island that is in the Pacific at the moment. I am also very disturbed when I go to other countries and see the amount of plastic accumulated on street sides and in villages, and I think: this is a First World problem being imported into a Third World environment, and they just do not have the skills, the money and the resources to deal with it, and it really is our problem that we are making for them. There is a really great deed not just in this chamber but elsewhere in the community, elsewhere at other levels of government — and I really wish Josh Frydenberg were on the case in a lot more of a proactive way — to really talk about how we can make a difference in supporting

our environment and protecting it going forward into the future.

Recently I was doing some research around what may seem to be a strange subject for this house — Mayan civilisations. I know that most people think about Mayan civilisations as places where human sacrifices happened, and that is quite true, but actually they had a very high level of language, culture, trade and commerce, intricate water systems and beautiful architecture. It was a very good standard of living for their people, and what actually happened in these civilisations is that more and more people wanted to come to the city, and over and over again the same story happened. These civilisations collapsed. Most scientists, archaeologists and anthropologists believe they would collapse because of an environmental crisis. They collapsed because they ran out of water, there were extreme weather conditions and there was overpopulation.

They are the very same challenges that we face today when we look into our environment. We have extreme weather conditions. We have a world that is, sadly, overpopulated. We have warming oceans. We have deforestation. We have declining biodiversity in our environment. The number of species under attack and facing extinction is growing, sadly, yet we still use our plastic water bottles. We are still using our plastic straws. Thankfully this government has led the way in banning plastic bags, and that will make a big difference, but we are not learning the lessons of history.

This is why you can put your head in the warming, sinking sands and ignore the environmental crisis that is imminent, or you can lead by example. That is why this legislation is so important. It modernises the EPA. It makes it into a proactive organisation, and I am very, very glad to see this because I have actually been involved in cases where developers have gone out and destroyed trees and forests and have gone to VCAT and been fined. Then they have come out of VCAT with the fines and have said, ‘That was the best investment I ever made’. In fact one of the things that is really terrific about this legislation is that it really ups the penalties and makes those penalties sting — and so they should, because what people are doing who are raping our environment is actually destroying it for a very, very long time, because it is often very hard to replace the forests, the trees and the fauna, and indeed where species are involved they are gone forever.

I would also like to commend the minister for allowing for the first time in Victoria community members affected by alleged breaches of the new environmental protection laws to be able to seek direct action through a court. I have been involved in a lot of community

activism over the years. I have always thought that it will be the community, not the government, that will solve the environmental emergency that we have to face, but it is also about having a partnership with government, and this is one way whereby community members will be protected. They will be able to activate and get a response from the court, I hope, that will acknowledge the terrific work that they are doing in protecting our environment.

The Minister for Energy, Environment and Climate Change is in the house. I would really like to commend her on this second piece of legislation, which is actually going to make a very big difference to so many people, to Victoria’s future and to my children’s and my grandchildren’s, I hope, and I think that it is again very disappointing to see the silence from the opposition and independent benches on this matter when it is such an important, critical issue. I have got to say that the community is way ahead of us on this. They want plastic bags banned and they want plastic straws banned, so they are getting out there and doing stuff, and I commend the bill to the house.

Debate adjourned on motion of Ms SPENCE (Yuroke).

Debate adjourned until later this day.

JUSTICE LEGISLATION (POLICE AND OTHER MATTERS) BILL 2018

Second reading

Debate resumed from 25 July; motion of Ms NEVILLE (Minister for Police).

Mr PEARSON (Essendon) (15:57) — In continuing a contribution I made most recently, I did want to draw the house’s attention to a statement made by the manager of opposition business in his lead speech on this bill, where he said, and I quote:

... there are a wide range of provisions in this bill on many different and varied subjects, which does reflect the fact that the government seems to be trying to scramble to respond to a whole lot of issues very late in its term, when many of these issues and the opportunities to deal better with them were available far earlier on in the government’s term.

What the honourable member was referring to was in fact an exposure draft that the member had released in his capacity as the Attorney-General under the Napthine government, which was drafted in the dying days of the Liberal government. Bear in mind that the member for Box Hill was criticising this government for bringing forward an omnibus bill to the Parliament in July of an election year, yet when he was the Attorney-General he

released an exposure draft, which was not a bill, in the dying days of the Napthine government.

The exposure draft that the then Attorney-General released talked about DNA reforms that would be passed if the government was returned, but there were real issues with the exposure draft that the member had released in his capacity as Attorney-General. For example, it maintained that court orders for DNA samples would still be in place, which meant that you would slow down the police investigations and you would clog the courts. Where it did enable police authorisation for DNA it was quite clunky and cumbersome. Critically it maintained high levels of forensic relevance which meant that DNA could only ever be taken for a crime that police had already taken someone into custody for. It really did the exact opposite of what this bill is doing. What we are doing in this bill is giving the police the power they need to quickly and effectively identify recidivist offenders and to use a suspect's DNA to match them to other crimes. But if the opposition had introduced their bill and it had been passed, it would have actually made the police work much harder.

The other interesting element within the exposure draft that the then Attorney-General released related to part 6.2 in relation to the execution of warrants. What the exposure draft would have given effect to if it had been passed as a bill — again, it was an exposure draft and it was released very late in the term of the 57th Parliament — was what it said on pages 189 and 190 under the heading 'Division 2 — Execution of warrant' and the subheading 'Search warrant and covert search warrant to be executed by day':

Unless a search warrant or covert search warrant otherwise provides, a search warrant or covert search warrant may be executed only between the hours of 6.00 a.m. and 9.00 p.m. on any day.

There were some exceptions to the bill, but the starting point was that if the then Napthine government had its way, police could not bother criminals between the hours of 9.00 p.m. and 6.00 a.m. So if the Napthine government had its way, it would have made the task of Victoria Police far harder than what we are doing.

The other point to make too — this is quite telling — is that on pages 192 and 193 of the exposure draft, police were to be required under the Liberals to give notice to the occupiers and neighbours of the premises that they wish to covertly search. Again that seems to me to be somewhat problematic.

What we are trying to do with this bill is to give Victoria Police the tools that it needs here and now to

discharge its duties far more effectively than would have been the case if the former Attorney-General's exposure draft actually became a bill and was passed. I think it is worth highlighting some of those deficiencies with the former draft and looking at the benefits that this bill brings. Certainly I think the reality is that DNA does play an incredibly important role in terms of the apprehension and the conviction of criminals. Being in a position where Victoria Police have the ability to have those samples, to be able to store those samples and then refer to them, particularly in relation to cold cases or other issues, is incredibly important because then they will hopefully be in a position to look at building up a database for offences. I think it is particularly important to look at identifying offenders early on at the commencement of their criminal career but also to look at people who are extreme, at the higher end or a higher range of frequency.

I will refer also to some of the other provisions of the bill in relation to affording increased protections to police officers, protective services officers (PSOs), police custody officers, custodial officers, youth custodial officers and their families from offenders who harm or seek to harm them. As I indicated in a previous contribution earlier today in relation to some of the changes the government is seeking to introduce about protecting first responders, it is important that we do try to protect sworn officers as they go about their duties. It is about making sure that police officers, protective services officers and police custodial officers are not intimidated. There is a new section 31C of the Crimes Act 1958 which will create an offence for discharging a firearm when reckless to the safety of a police officer or a PSO, and this offence will carry a maximum penalty of 15 years.

New section 31D to be inserted in the Crimes Act establishes the offence of intimidating a police officer, a PSO, a police custody officer, a custodial officer, a youth justice custodial officer or a family member. The punishment for this offence is up to 10 years imprisonment.

I think this is an important matter, particularly in relation to the rise and ubiquity of social media. You could see a set of circumstances where someone sought to intimidate a police officer by directly threatening via social media a family member in order to elicit a response. I think it is an important provision to include family members as part of this because it is trying to make sure that they are similarly covered and protected and that family members are off limits for this sort of poor behaviour.

It is an omnibus bill, and there are increased penalties in part 3 for commercial drug trafficking as part of it. I note that the member for Prahran is not here this week. I am sure that if he were here, he would be rising to his feet opposing this particular aspect of the bill, because as we well know, convicted commercial drug traffickers have no better friend than the member for Prahran, who consistently seeks to oppose any form of heavy penalty imposed upon them.

This is an omnibus bill, and it covers a wide range of issues. The government is to be commended for introducing such an important and significant piece of legislation to ensure that Victoria Police can get on with the job of keeping us safe.

Mr DIMOPOULOS (Oakleigh) (16:06) — It gives me pleasure to speak on the Justice Legislation (Police and Other Matters) Bill 2018. I was in the chair briefly yesterday when debate on this bill started, and I will get to some comments made by the opposition while I was in the chair later in my contribution. I want to start by saying that if police are compromised, in my view community safety is compromised. Many people have spoken in this debate, and I absolutely support their right to have a view. I also understand where they are coming from on this debate and in this conversation; however, I would suggest to them that investing in police by way of laws to protect them and resources to enhance their ability to do their job should not be seen as just an investment in police. It should be seen as an investment in community safety.

Police are the segue to community safety. If police are compromised, the community is compromised. If police feel intimidated or threatened in their work, that means they cannot protect the community. We want to protect the police so that we achieve a safe community. It is not an end in itself, in my view, just to protect the police. Of course they are human and they deserve protection — that is obvious — but their protection is for a greater goal, and that is to achieve community safety. This includes sending quite a strong signal to the courts.

The courts do not operate in a vacuum. They already interpret legislation formed by this Parliament. In fact almost the entire criminal justice system is formed through statutes in this Parliament. Yes, of course, sometimes there is a large influence by precedents set by previous court decisions, but it is statutes created in this Parliament that the courts interpret. That is the court's work. So I do not think it is an unreasonable step to then provide further advice about community expectations and about Parliament's expectations to those courts.

Yes, I think there is a line around judicial independence that should not be crossed, and I think part of that is not to personally attack judges for decisions they have made, as some in this chamber have done. But it is absolutely prudent and appropriate for the Parliament to send the community's expectations to the judiciary for them to perform their work in adjudicating or deciding not just on guilt or otherwise but also on the offence that comes with the decision. We get involved in a whole range of ways in the judiciary. Whether it be in process issues about jury directions or the rights of witnesses, we get involved in a whole range of stuff, not just in terms of offences and the hierarchy of those offences.

But what I want to focus on a bit more here are the outstanding contributions by my colleagues on this side. When I was in the chair I heard contributions from the member for Broadmeadows and the member for Dandenong, and they made it very, very clear, as others have previously, how seriously this government takes community safety and how it is because of its direct intervention both in terms of funding and the creation of new laws that the crime rate in Victoria has started to decline. They also addressed very, very well in their contributions the absolute lie that is the Liberal Party and National Party narrative about crime in Victoria.

There is an inescapable truth to the link between not only police resources and crime but also interventions for young people to keep them out of the criminal justice system. Those interventions might be through court programs like the court integrated services program or in terms of providing free TAFE access to young people. There are a whole range of other resources, including prevention of family violence initiatives. These are things that you do in a social policy context to prevent the creation of a further class of potential offenders.

There is an inexplicable truth, but what the other side will not tell us is that there is a causal link between those factors — investment in police, investment in new and more robust laws and investment in preventing a new group of youth offenders, or other offenders for that matter, and the crime rate. They just sit there and say, 'Crime in Victoria has gone up', and they draw out in really quite a disgusting way some isolated subcategories of crime that may have gone up from time to time. They try to throw dust in the eyes of the public. They prey on existing concerns that most of us have about our personal safety in any context. They drag out these statistics that on their own are meaningless. In fact they are more than meaningless; they should not be used, because they are false and they paint a very false picture. The reality — and I am almost sick of saying this — is that

Melbourne and Victoria are among the safest cities and states in the country.

I keep going back to the words of the Chief Commissioner of Police when he gave evidence at the Public Accounts and Estimates Committee hearing last month and also last year at the same hearing. He said we have the lowest youth crime rate in Australia after the ACT. Yet we have the spectacle of the member for Kew speaking to Jon Faine the other day on ABC radio saying in passing, as if it is a universal truth that everybody should know, that there is a gang crisis in Victoria and we are an unsafe city and state. Then he moved on, as if it was proven. Jon Faine brought him back and said, 'Hang on, Mr Smith. Surely you know the statistics show that Queensland and New South Wales have a greater crime rate problem than Victoria'. The member for Kew could not address the question. He just had to move on. He did not have the statistics or the backbone to accept that he was incorrect and that he was just inflaming community sentiment through untruths. It was actually quite embarrassing to listen to.

Then we had the other spectacle of the member for Burwood — I struggle to understand how he got preselected — who, while I was in the chair, said to me —

Mr Clark — On a point of order, Deputy Speaker, the member for Oakleigh is departing from speaking on the bill and is proceeding to attack the member for Burwood. I ask you to instruct him to desist from departing from the bill and making imputations against the member for Burwood and to come back to speaking on the bill.

Mr Foley — On the point of order, Deputy Speaker, points about imputations can only be taken by the member concerned, but I think the honourable member for Oakleigh was referring directly to comments that honourable members have made in this place specifically on this issue. I would urge you to not grant the manager of opposition business the point of order he is seeking and instead just encourage the member for Oakleigh to stick to the main points of debate.

The DEPUTY SPEAKER — Thank you, Minister, for your direction. The member for Oakleigh will return to the bill.

Mr DIMOPOULOS — Thank you, Deputy Speaker, and it is my pleasure, as I said, to return to this bill because it is a bill that talks about police resources. It is a bill that actually protects our police through the creation of police harm offences and also by giving the police more powers to keep the community safe through the DNA provisions in this bill.

But I was actually responding to a contribution made by another member on this very bill. In doing that I will refrain from talking about that member, but the reality is that my community knows that crime in both Monash and Glen Eira has come down. Not only has crime come down in the whole of Victoria but crime in my local area of Monash and Glen Eira has come down.

We have recruited many more police in both of those municipalities. Some 3135 new police will come on board by the end of the next three years. Already I think 1200, the Minister for Police said, have come on board. They are in my community right at this moment, on the streets of Monash and Glen Eira. Those communities are very safe, much safer than they were under the previous government and in fact much safer than they were in many categories 10 or 15 years earlier. These police resources that enable the police to prosecute criminals and to find criminals more quickly and also enable police and their family members to be protected are just another aspect of keeping the community safe. I commend the bill to the house.

Ms THOMAS (Macedon) (16:16) — I am very pleased to rise this afternoon to speak on the Justice Legislation (Police and Other Matters) Bill 2018. I think it is evident that community safety is a top priority for the Andrews government and indeed for the men and women of Victoria Police. Everyone needs to feel safe in their community, and I am glad to report that here in Victoria, to reiterate what my colleague the member for Oakleigh has said, we are very lucky to live in one of the safest places in the world. If you want to live in the safest place in the world, I suggest you might want to move to the Macedon Ranges, which are even safer than Victoria as a whole. I am very proud of the investments and the work that this government has done to keep Victorians safe, to invest in Victoria Police and to give our police the resources, the equipment and the technology that they need to keep us safe.

This bill includes a range of reforms to improve police legislation. It focuses on eight key areas with some additional technical amendments. If I go through those eight key areas, the first is the streamlining of DNA powers. The bill provides Victoria Police with new streamlined powers to take DNA samples from persons suspected of committing or found to have committed a serious offence. These new powers are incredibly important and will provide police with a valuable new tool to solve crimes. Victoria Police's forensic services department has estimated that within the first year of these laws being passed the number of DNA reference samples in their database will increase almost tenfold from approximately 8000 to 70 000.

The bill is also about protecting police, protective services officers (PSOs) and police custody officers (PCOs) from harm. The bill provides increased protections for police officers, PSOs and police custody officers and their families from offenders who harm or seek to harm them. Being from a police family myself I emphasise how important this is. When I say 'police family' I mean that the partners, the mothers, the fathers, the sons and the daughters of police in this state know that their loved ones put their lives on the line every day in their quest to keep Victorians safe and because of their commitment to public service. So I am very pleased to be supporting a provision that provides protections to our police, PSOs and PCOs. These reforms create a strong deterrent to engaging in behaviour that may harm or intimidate our police, PCOs and their families. The bill also proposes to create a new offence of intimidating a prison officer.

The bill provides increased penalties for commercial drug-trafficking, enabling higher penalties to be imposed on commercial level trafficking of heroin, 1,4-Butanediol and similar drugs, as well as commercial trafficking at the direction or for the benefit of a criminal organisation. Currently there is no large commercial quantity legislated for these drugs.

The bill provides police powers to close second-hand dealers and disrupt organised crime. What the bill does is enable police to address and disrupt suspected criminal activity amongst second-hand dealers, including the auto wrecking and scrap metal industry. Of course in the second-hand industry there are reputable dealers and they always have been out there, but it is a well-known way to launder stolen goods, so I am glad to see that we have got greater police powers here. Those powers provide for the interim and long-term closure of dealers operating without the required registration or who police suspect are engaging in serious criminal activity.

In terms of firearm restrictions, the bill amends the Firearms Act 1996 to reclassify lever action shotguns such as the Adler shotgun, putting into effect the recent National Firearms Agreement changes. The bill also applies offences of trafficking firearms to all stolen firearms and removes the requirement that hard copy firearm licences contain the residential address of the licence-holder.

Police restorative engagement with victims of sexual harassment — the bill helps establish a restorative engagement process to support Victoria Police employees who have been victims of sexual harassment or discrimination by another Victoria Police employee. It does this by amending the Victoria Police Act 2013

and the Protected Disclosure Act 2012 to exempt victims from any sanction if they do not report conduct that is disclosed in a restorative engagement setting. This is very important work by Victoria Police and work that I can commend. It is very difficult work and it is work that often does not get the attention or the respect that it deserves, but it is part of Victoria Police's commitment to responding to the findings of the Human Rights and Equal Opportunity Commission's report into sexual harassment in Victoria Police.

On sex offender information sharing, the bill amends the Sex Offenders Registration Act 2004 to permit the disclosure of personal information on the sex offender register to government departments, public statutory authorities or a court for the purpose of the performance of a function of a law enforcement agency. In terms of wealth confiscation changes, the bill inserts a range of additional offences into schedules 1 and 2 to the Confiscation Act 1997 to strengthen the wealth confiscation regime and make other technical amendments.

It is a really good and important omnibus bill to bring to the house — all part of this government's commitment to ensuring Victoria Police has, as I said before, what they need from government. They need the resources. The Andrews Labor government is investing in 3000 additional police. The academy is overflowing. Do you know what I love about this commitment? What I love about this commitment is that it is not only about getting more police out on the streets, it is also providing a fantastic career opportunity for people in my community. When I talk to them about this great commitment I talk about the opportunity — and I can speak with some authority, I might say, in recommending policing as a career to people in my electorate. We are giving police the powers that they need and we are making sure that they have the equipment that they need to do their job properly. We are making sure that we have got a modern police service in the service of the people of Victoria.

Having said what we are doing, it is probably important to compare and contrast what this government has done with what those on the other side did in the four years they held power. Let us not forget that they did not fund one single additional police officer in their time on the government benches. Not one single additional police officer did they fund. I know it, the Police Association of Victoria knows it and every single member of Victoria Police knows that those on the other side talk — they are big talkers — but when it comes to delivery, what they delivered to Victoria Police was cuts, which impacted the capacity of our hardworking policemen and women to do their job properly. So let us be clear: there is only one

party that will give Victoria Police the resources that they need and it is the party on this side of the house, the Andrews Labor government.

With the time available to me I want to take the opportunity to talk about Victoria's leading law and order issue, one that you will not hear those on the other side talk about, and that of course is family violence. We know that once every 7 minutes a police officer is called out to attend to a family violence incident, but what have we heard from those on the other side four months out from the election? They have failed to commit to implement and fund every one of the 227 recommendations of the Royal Commission into Family Violence. Again, they talk the talk — they say there is a bipartisan approach — but I want to hear from them. I have called out members on that side on a number of occasions and asked them to make a public commitment to fund and implement each and every one of the royal commission's recommendations, and you know what? Radio silence. Not a word. They will not make that commitment.

In the Macedon Ranges 10 additional family violence police have been appointed under this government. It is great to see those specialist police in my community keeping women and children safe in their homes. As members in this place know, tragically two women in my electorate lost their lives this year. I commend this bill to the house.

Ms GREEN (Yan Yean) (16:26) — I take great pleasure in joining the debate on the Justice Legislation (Police and Other Matters) Bill 2018. The bill makes a range of miscellaneous amendments to a number of acts to support Victoria Police and Consumer Affairs Victoria to target criminal activity. Those opposite, because it is in their narrative — it has been set down within their election campaign, their proposal for how they are going to get out and promote fear in the community — would have the community believe that this house has been completely flat-footed and not active in proposing legislative change in the justice and policing area. Nothing could be further from the truth.

The details of the proposal provide a streamlining of DNA powers; that is one of eight key areas, with some additional technical amendments, that the bill focuses on. The bill provides Victoria Police with new streamlined powers to take DNA samples from persons suspected of committing or found to have committed a serious offence. These new powers are incredibly important and will provide police with a valuable new tool to solve crimes. Victoria Police's forensic services department has estimated that within the first year of these laws being passed the number of DNA reference

samples in their database will increase almost tenfold from approximately 8000 to 70 000. This is in stark contrast to the crisis in forensic services that occurred under those opposite, especially those on the other side that have come in newly to the house. They seem to think that it is a flat earth or something. It is a parallel universe as far as they are concerned.

Another part of the bill is protecting police, protective services officers (PSOs) and police custody officers (PCOs) from harm. The bill provides increased protection for police officers, PSOs and custodial officers and their families from offenders who harm or seek to harm them. These reforms will create a strong deterrent to engaging in behaviour that may harm or intimidate our police, PCOs and their families. The bill also proposes to extend a new offence of intimidating a prison officer.

I want to speak about the first responders that live in my electorate. The Yan Yean electorate is one of the youngest electorates in the state. Its demographic is families. What you find with the huge number of first responders, whether it is our police, whether it is our paramedics or whether it is our firefighters serving in the Metropolitan Fire Brigade or the Country Fire Authority, is that they are generally people with families. They are younger people in the community, so they are attracted to areas like mine that offer affordable housing and new and good-quality schools. So I have an enormous number of first responders who live with the fear of being injured at work or being intimidated, so I am really proud that this is going to send a strong message to those who might commit offences against police but also send a strong message to police and their families that we actually give a damn about what happens to them in their work life and in their private life. I know that police in my community can see absolutely that this government cares about the nature of their work and giving them the tools that they need to do the important work they do in protecting our community.

The Mernda police station has now been operational for some nine months, and it is just a magnificent facility. The police who work in that facility were treated respectfully. It was the first in the state where a committee was established made up of the police who were to work there. They had a very great involvement in the design of that police station, and it has opportunities for expansion and for future growth. It will also house all the PSOs that will be on duty a month from today at the three new stations on the Mernda line. They will have a safe workplace to return to when they are not on station duty.

The Whittlesea police service area was one of the first police service areas to have police custody officers allocated to them, particularly at the Mill Park station, which has freed up a whole lot of other police officers to be out on the beat. The opening of the Whittlesea police station means that Whittlesea police, police that are actually based at the Whittlesea township police station, no longer have to patrol all the way to South Morang. They have the same number of police and they have all the positions filled, but they now only have to patrol as far as Grants Road. That means that there is a greater response, a greater police presence in Whittlesea township itself, so that has made that township feel much safer.

I decry the work of those opposite and their local party members who indulged in a deeply untrue campaign that caused fear and loathing in the community when they tried to tell the community that, upon the opening of the new Mernda police station, the Whittlesea police station would close. Nothing could be further from the truth.

I can say that those opposite have never delivered one new police station in Melbourne's north, but in November we saw the opening of the Mernda police station. We have got a police and emergency services complex in Diamond Creek, a police station in Hurstbridge, a police station in Warrandyte from the time I represented the area of North Warrandyte and a not very old police station in Wallan that was built pre-2010. One of the police stations that I am most proud of, which was built in the early years after I was elected, was in Kinglake. It was the first police station established in Kinglake.

Those opposite talk tough on law and order, but when they are in government they do absolutely nothing. They do the opposite of what they say they will do. Not only were there cuts to policing, but they failed to keep up with growth and they failed to keep the police academy full to the brim. The only police that came on the job under their watch were those that had been funded in the forward estimates under decisions made by the Brumby government previously. When we got into office the cupboard was bare, as per usual. We now have a completely different model for the way that policing is done. We allow the Chief Commissioner of Police and police command to have free reign in allocating police resources, and there is an agreement —

Mr Pesutto interjected.

Ms GREEN — The member for Hawthorn has form. He calls me an embarrassment. He is an embarrassment in criticising the police commissioner, as I just heard him do under his breath, for doing media

announcements with the Minister for Police. It was under the government that he served as legal counsel to the previous Premier that an attempt was made to bring down a police commissioner and a police minister. Those opposite have form in political interference in the operations of the police force. There is a truly independent Crime Statistics Agency, and those opposite try to take a play from the Trump playbook in that they are trying to create fear. I have heard the member for Hawthorn say, when the independent crime statistics come out, 'Well, I don't believe them'. He tries to cause fear in the community. I know that at a recent Liberal Party campaign meeting the President of the Liberal Party, Michael Kroger, gave a report and said, 'We'll keep it simple. We'll just scare people. We'll use things like "drain the swamp". We're just going to use fear and loathing to get elected'.

Mr Clark — On a point of order, Deputy Speaker, the member is now departing well away from the subject matter of the bill. She should stick to the content of the bill rather than engage in debate on extraneous issues. I ask you to bring her back to compliance with standing orders for the remainder of her contribution.

The DEPUTY SPEAKER — I do ask the member for Yan Yean to return to the bill.

Ms GREEN — I commend the bill before the house. This government has done an awful lot in community safety and will continue to do it without scaring the community.

Mr KATOS (South Barwon) (16:36) — I rise to make a contribution on the Justice Legislation (Police and Other Matters) Bill 2018. This bill is an omnibus bill and it makes several changes to several acts. What it primarily does is make changes to police DNA powers; give additional protections for police, protective services officers and police custody officers and their families, from what I have read there in the bill; increase penalties for commercial drug trafficking; provide powers to close second-hand dealers and disrupt organised crime; enable restorative engagement for victims of sex discrimination and sexual harassment within Victoria Police; make changes to the sex offender register to improve information sharing; implement key changes to firearms; and make other miscellaneous changes.

I might start my contribution by speaking about the changes to firearms. One of the key changes is the reclassification of lever action shotguns. Many people call them Adlers; they are not. Adler is simply a brand, a manufacturer. A lever action shotgun is a gun that has been around for many years; it was probably first

patented in the mid-1800s. The Winchester lever action shotgun, the gun that won the west, was probably a 30-30 calibre. Would you agree that with that, member for Benambra? That type of action has been around for a long time. Basically there were attempts to import the Adler, which is the brand — there are other brands around; as I said, an Adler is not an action, it is a brand of gun — which I believe was a seven-shot magazine, and a review was done on that. Then there was an agreement, from memory, at the Council of Australian Governments (COAG) that the seven-shot lever action shotgun would be banned — not permitted entry into the country — but a five-shot lever action shotgun would be permitted.

The other change is that, for example, a shotgun at the moment is a category A firearm — whether it is a double-barrel or an under-and-over it is a category A firearm. The one change that was agreed at COAG was that rather than the lever action shotgun being category A as are other shotguns, it was classed as a category B firearm. Category B firearms are generally centrefire rifles, whether bolt action or lever action or even pump action. There is some inconsistency with some of this as a licensed firearm owner can walk in and buy a pump action rifle in various calibres but a pump action shotgun is banned. So there are some inconsistencies. You can still walk in and buy a pump action .22 rifle with a category A licence, so there is a bit of an inconsistency with a rim-fire rifle such as a .22-calibre rifle. Basically this was the agreement at COAG: the lever action shotgun is now considered a category B firearm. Most licence-holders do have AB licences. I am a licensed gun owner and I have an AB licence, so if I wish to, I can go out and buy a lever action under the present laws.

Mr R. Smith — Do you wish to?

Mr KATOS — Yes — not yes to the question from the member for Warrandyte. But one thing I think is a sensible amendment is that your firearms licence presently has your address on it. Now the vast majority of gun owners do store their firearms at home, so if you were to lose your wallet or if it were to be stolen, anyone who found it would realise that the shooter's licence has your address where your firearms are stored. So if you lost your shooter's licence, then obviously someone would know where you have your guns. It is not a requirement. Under the act there is an ability to store your firearms at another location as long as that is designated, so if you were to say you wanted to store your firearms at your parents' home, for example, as long as the storage facility was in order with Victoria Police and it had been inspected, you could very well

store your firearms at a separate location. But in most cases people do store them at home.

In Geelong last year there was a spate of burglaries where firearms owners were targeted. In that case it was actually a data breach — funnily enough after what has happened this week with some data breaches by this government — where a list of firearms licence-holders and their addresses was emailed to the wrong person and that got out into the public domain. The list potentially fell into the hands of the wrong people and there was a spate of burglaries in Geelong. There was an article in the *Geelong Advertiser* last year which went through that. It was entitled 'Geelong gun theft numbers revealed after spate of burglaries'. There was extensive targeting of firearms holders and their storage facilities.

One other thing that is an area of concern is that if you have two unregistered firearms, that is a trafficable offence. There was a situation in the Geelong region not that long ago where there was a firearms dealer who was not filling out their paperwork properly. Guns were being sold or transferred between owners and that paperwork was not filled out. So you were still, according to the firearms registry, the owner of a firearm even though you might have sold it six or 12 months earlier. That was a real issue. It was corrected by the firearms registry, and the local firearms officer at Geelong station — it was Mr Smythe for years but I cannot think of the gentleman's name now; I think it is an Italian name but anyway — sorted it out. The issue there is that because the register was not up to date because of this error, a person could potentially be said to be in possession of an unregistered firearm, or alternatively someone could come knocking on my door if I had sold a firearm, check my firearms and say, 'Where are your two guns?', because they are still on the firearms registry.

So there is a bit of an issue there. In that sort of circumstance when there is an administrative error or, as in this case, you have a firearms dealer who has subsequently lost his licence making these mistakes, under this bill someone could be charged when they have actually done the right thing, gone to a licensed firearms dealer, sold their firearms in a sensible and normal transaction, done all the paperwork and paid the fees. But you could have a situation where a gun is missing or unregistered. I am just a bit concerned about that, but I am sure these issues will be considered when this bill goes to the Legislative Council.

With that, there are a lot of other things in this bill. I have focused nearly my entire contribution on the firearms section. Obviously with the DNA powers I

think protecting police and also protective service officers and police custody officers and increasing the protection for them from thugs who would go after them is a very good thing. I am more than happy to commend the bill to the house.

Mr FOLEY (Minister for Housing, Disability and Ageing) (16:46) — It gives me great pleasure to rise to make a contribution to the Justice Legislation (Police and Other Matters) Bill 2018, a very worthy piece of legislation in the interest of the people of Victoria. This is a wideranging bill that deals with some dozen or more areas of reform of a raft of pieces of legislation. As we have heard, just to reinforce what has been said, that includes reforms to the Victorian police DNA powers, it involves police harm offences and, particularly important, it involves the contribution of new offences and sanctions to protect police officers, protective services officers, police custody officers and other custodial officers from harm associated with the performance of their duties. It also increases drug trafficking penalties in line with commitments that the government has made to the important work of dealing holistically with drug reform, ensuring police have both the right numbers and the right powers to respond to drug trafficking and to crack down on those Victorians, and people internationally and from the rest of Australia, who would seek to profit from the misery and suffering of those addicted to drugs.

Just to pause on that point, our wider policy on drug reform also extends to making sure that we look after those people who are, sadly, at the bottom of that food chain — those Victorians who suffer drug addiction and, through it, some very sad, miserable and lonely deaths — which is why we have things like our substantial investment in residential rehabilitation reform, a more than doubling of the numbers of residential rehabilitation beds across the state, from the 203 that we were gifted by the former government when we came to power to the soon to be over 415 when our current rollout program is completed. It is particularly important to note that over half of those new beds will be in regional and rural Victoria, including in the seats of the honourable member for Gippsland East and the honourable member for Benambra. Does he cover Wangaratta? I cannot remember. Well, I take it back — not the honourable member for Benambra. It also includes beds in Ballarat and Corio.

Of course the most controversial piece of that package relates to the strong advice that we got from Victoria Police about the need to reform the laws insofar as they deal with the medically supervised injecting facility in Richmond — a strong proposal that came from the police

at the frontline. To quote the former Chief Commissioner of Police in Victoria, he indicated that there are some problems, such as drug addiction and ice addiction, that you simply ‘cannot arrest your way out of’.

That is why, even though it is early days, we are very pleased with the progress that the medically supervised injecting room in North Richmond has made, and we know from initial reports that it is making a contribution to the areas that it should — that is, it is improving the amenity of what was previously an ‘out-of-control’, to quote three reports from the coroner, ‘crisis in North Richmond’. It is improving the amenity and the public drug use and drug taking that was rampant in that community. It is making sure that those drug-addicted, vulnerable people in the community who use those facilities — those nearby laneways, shopfronts, public toilets, bridges, crofts, public spaces and car parks, you name it — have the opportunity not just to have their drug addiction supervised but also to have pathways towards support and, in the sad circumstance of overdoses, the immediate presentation and use of medical support, which has already seen quite a number of people who have overdosed survive. Of course it is closely modelled on the successful Sydney facility in Kings Cross, where after 17 years and over 6000 overdoses not a single death has been reported in that Kings Cross facility as opposed to the more recent figures that we have of some 35 people dying within the immediate radius of the North Richmond community health centre that now runs that facility.

Of course that is by way of digression from this important piece of legislation. The legislation also goes on to deal with a range of other matters, including the second-hand dealer closure powers, delivering on an important commitment that the Minister for Police had given. It gives Victoria Police restorative engagement processes to engage standalone restorative engagement schemes to support employees who have been the victim of sex discrimination or sexual harassment by other employees. It amends the Victoria Police reportable conduct obligations in that regard. It also has a variety of amendments to the Sex Offenders Registration Act 2004. It amends, as the honourable member for South Barwon immediately preceding me indicated, firearms provisions. It also changes confiscation reforms, particularly in relation to second-hand dealers, the Conveyancers Act 2006, the Estate Agents Act 1980 and the Second-Hand Dealers and Pawnbrokers Act 1989, as well as proposing a raft of other technical and subsequent amendments to a range of acts.

If you put all that together, this is but further evidence of this government delivering on its community safety

statements that bring together Victoria Police, the resources right across government and the resources of the wider community to back in our record number of hardworking Victorian police who are keeping Victorians safe in increasing numbers, as well as with increasing effectiveness — as we have seen by the almost 10 per cent reduction in the state's crime rates in more recent times.

This bill also gives me cause to reflect on how successful my own local community's policing has been in undertaking this important area. I was very pleased to see, as a result of the work of the Minister for Police, that the Port Phillip policing district is receiving, as we speak, 13 extra frontline, boots-on-the-ground police officers. On a number of occasions I have been out with Victoria Police, including on night patrols, and I know from firsthand experience how important that is to Victoria Police. Backing Victoria Police is not something that you just do in this chamber and in this government. You also have to advocate for Victoria Police in your community.

That is why I was very pleased when Victoria Police approached me on New Year's Eve when there were a number of incidents on the St Kilda foreshore. Despite their pleas to the City of Port Phillip to have extensive powers and use the Local Government Act 1989 to ban alcohol use in a way that made the place safe, I was very disappointed at that time to see Victoria Police rebuffed by the City of Port Phillip. I was particularly upset when I learned that the Leader of the Opposition's hand-picked candidate for the seat of Albert Park, a Port Phillip councillor, ensured that in doing so —

Mr Clark — On a point of order, Deputy Speaker, the minister now seems to be straying very far away from the bill. The house has been prepared to allow him a degree of latitude in his remarks, but he is now totally out of connection with the bill and proceeding to debate and cast aspersions on members of the community. I ask you to instruct him to come back to speaking to the bill.

The DEPUTY SPEAKER — Minister for Housing, Disability and Ageing, I encourage you to come back to speaking to the bill.

Mr FOLEY — This is an important bill that contributes to the Victorian government's community safety agenda by giving Victoria Police the powers, the support and the resources they need to keep Victorians safe in increasing numbers. It is all about how you deliver that. Whether it is here in the Parliament or at the front line of Victoria Police, there is a multitude of areas of reform that this bill will deliver. It is an

important piece of public policy, and it is incumbent on all of us here, including those who would seek to gain an important position in the Victorian community by being in this place to represent their communities, to back Victoria Police wherever they are. We need to back Victoria Police on this and not the fairweather opportunists like those who have been picked by those opposite who would knock back Victoria Police when it comes to their request to seek support on their own CCTV foreshore cameras.

Mr EDBROOKE (Frankston) (16:56) — It is a pleasure this evening to rise to speak on the Justice Legislation (Police and Other Matters) Bill 2018. I would like to first begin by acknowledging the hard work that has gone into this by the minister and the minister's staff. This bill makes a range of miscellaneous amendments to a number of acts to support Victoria Police and Consumer Affairs Victoria with regard to targeting criminal activity. Of course when you support police, when you provide police with the numbers they want, when you support them with the resourcing they want and rely on their advice, you see things like we have seen in my community — a 14 per cent decrease in the offence rate, which is just amazing work, and I thank those police. I will also take this opportunity to thank the protective services officers who keep us safe here in Parliament. They do a marvellous job as well.

In the short time afforded to me, I will quickly go through the details of this bill. It reforms the Victoria Police DNA powers, which I note in media excerpts I have read is very popular amongst Victoria Police. It makes a change to police harm offences. It establishes new offences and sanctions to protect police officers, protective services officers, police custody officers and custodial officers and their families, which is very important again. When you support police you get the results that the Victorian community expects.

We are increasing drug trafficking penalties, which I think everyone in this chamber would agree is a good thing. We are also making some changes to second-hand dealer closure powers, changing Victoria Police's restorative engagement process, making amendments to Victoria Police's reportable conduct obligations, making amendments to the Sex Offenders Registration Amendment (Miscellaneous) Act 2017 and making amendments to the Firearms Act 1996, as we heard a member on the other side of the chamber talk about.

Just on that, I would like to say that there are some people in our community who would like to see us be a bit more lax on firearms laws. I must admit, as a

category A and B firearm licence-holder — I used to compete in clay target competitions — I am not one of those people. I would like to keep our laws as strict as possible. We talk about the Adler shotgun. Some people probably need to take a look in the mirror because if they cannot hit something with five shots in quick succession, maybe they need to have a bit more practice; maybe they should get some tuition on how to operate their firearm. We do not want to get to be like the US. The US are using Australia as an example of what they could become and what choices they could make legislatively across that country to actually bring down their gun use through our data.

In fact as reported in the *Guardian* of 16 February this year, the US experienced 1624 shootings in 1870 days. That is the issue we are really referring to here with this piece of legislation. There is no way in the world that we should be looking at the States and saying, ‘Yep, guns are fun’. Guns are not fun. Guns are designed as a tool and for a purpose. I commend the bill to the house.

The DEPUTY SPEAKER — 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.

RACING AMENDMENT (INTEGRITY AND DISCIPLINARY STRUCTURES) BILL 2018

Second reading

Debate resumed from 25 July; motion of Mr PAKULA (Minister for Racing).

Motion agreed to.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 14, page 30, line 8, after “may” insert “, following consultation with the Chairperson.”.
2. Clause 14, page 35, line 23, omit “party” and insert “person”.

3. Clause 14, page 35, line 27, omit “party” and insert “person”.
4. Clause 29, line 29, after “the” insert “licence or”.
5. Clause 34, page 63, line 7, after “bodies” insert “regarding integrity matters”.

Third reading

Motion agreed to.

Read third time.

JUSTICE LEGISLATION MISCELLANEOUS AMENDMENT BILL 2018

Second reading

Debate resumed from earlier this day; motion of Mr PAKULA (Attorney-General).

The SPEAKER — The question is:

That this bill be now read a second time, government amendments 1 to 23 inclusive be agreed to and the bill be now read a third time.

House divided on question:

Ayes, 77

Allan, Ms	McCurdy, Mr
Andrews, Mr	McGuire, Mr
Angus, Mr	McLeish, Ms
Battin, Mr	Merlino, Mr
Blackwood, Mr	Morris, Mr
Britnell, Ms	Nardella, Mr
Bull, Mr J.	Neville, Ms
Bull, Mr T.	Noonan, Mr
Burgess, Mr	O’Brien, Mr D.
Carbines, Mr	O’Brien, Mr M.
Carroll, Mr	Pakula, Mr
Clark, Mr	Pallas, Mr
Couzens, Ms	Paynter, Mr
Crisp, Mr	Pearson, Mr
D’Ambrosio, Ms	Perera, Mr
Dimopoulos, Mr	Pesutto, Mr
Dixon, Mr	Richardson, Mr
Donnellan, Mr	Riordan, Mr
Edbrooke, Mr	Ryall, Ms
Edwards, Ms	Ryan, Ms
Eren, Mr	Scott, Mr
Foley, Mr	Smith, Mr R.
Fyffe, Mrs	Southwick, Mr
Garrett, Ms	Spence, Ms
Gidley, Mr	Staikos, Mr
Grale, Ms	Staley, Ms
Green, Ms	Suleyman, Ms
Guy, Mr	Thomas, Ms
Halfpenny, Ms	Thompson, Mr
Hennessy, Ms	Thomson, Ms
Hodgett, Mr	Tilley, Mr
Howard, Mr	Victoria, Ms

Kairouz, Ms
Katos, Mr
Kealy, Ms
Kilkenny, Ms
Knight, Ms
Languiller, Mr
Lim, Mr

Wakeling, Mr
Walsh, Mr
Ward, Ms
Watt, Mr
Wells, Mr
Wynne, Mr

Noes, 3

Sandell, Ms
Sheed, Ms

Thorpe, Ms

Question agreed to.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 2, line 12, omit “72(2), 82, and 83” and insert “73(2), 83 and 84”.
2. Clause 9, page 10, line 29, omit “Coroners Court must” and insert “State Coroner must determine which coroner is to constitute the Coroners Court.”.
3. Clause 9, page 10, lines 30 to 35, omit all words and expressions on these lines.
4. Clause 41, page 29, line 22, omit “33” and insert “34”.
5. Clause 41, page 29, line 31, omit “33” and insert “34”.
6. Clause 59, line 9, omit “58” and insert “59”.
7. Clause 59, line 14, omit “58” and insert “59”.
8. Clause 63, line 20, omit “62” and insert “63”.
9. Clause 63, line 24, omit “62” and insert “63”.
10. Clause 82, line 9, omit “72” and insert “73”.
11. Clause 82, line 13, omit “72” and insert “73”.
12. Clause 82, line 18, omit “72” and insert “73”.
13. Clause 82, line 25, omit “72” and insert “73”.
14. Clause 82, line 28, omit “72” and insert “73”.
15. Clause 82, line 33, omit “73” and insert “74”.
16. Clause 82, page 62, line 2, omit “73” and insert “74”.
17. Clause 82, page 62, line 6, omit “73” and insert “74”.
18. Clause 82, page 62, lines 12 and 13, omit “77(2) or a provision of section 75 (other than section 75(1) and (2)) or 78” and insert “78(2) or a provision of section 76 (other than section 76(1) and (2)) or 79”.
19. Clause 82, page 62, line 27, omit “76” and insert “77”.
20. Clause 82, page 62, line 30, omit “76” and insert “77”.

21. Clause 82, page 62, line 34, omit “75(1) and (2), 79, 80 and 81” and insert “76(1) and (2), 80, 81 and 82”.
22. Clause 82, page 63, lines 6 and 7, omit “75(1) and (2), 79, 80 and 81” and insert “76(1) and (2), 80, 81 and 82”.

NEW CLAUSE

23. Insert the following new clause to follow clause 12—

‘AA New section 118A inserted

After section 118 of the **Coroners Act 2008** insert—

“118A Review of amendments made by Part 3 of the Justice Legislation Miscellaneous Amendment Act 2018

- (1) The Attorney-General must cause a review to be conducted of the operation and effectiveness of the amendments made to this Act by Part 3 of the **Justice Legislation Miscellaneous Amendment Act 2018**.
- (2) The review must be commenced within 3 years after the commencement of Part 3 of that Act.
- (3) On receiving the completed review, the Attorney-General must cause a report of the review to be laid before each House of Parliament within 14 sitting days of its receipt by the Attorney-General.”.

Third reading

Motion agreed to.

Read third time.

VICTORIAN INDUSTRY PARTICIPATION POLICY (LOCAL JOBS FIRST) AMENDMENT BILL 2018

Second reading

Debate resumed from earlier this day; motion of Mr CARROLL (Minister for Industry and Employment).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

ENVIRONMENT PROTECTION AMENDMENT BILL 2018

Second reading

Debate resumed from earlier this day; motion of Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change); and Mr WAKELING's amendment:

That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until the proposals contained in the bill have been referred to, and reported on by, the Environment, Natural Resources and Regional Development Committee and amendments have been prepared to address the concerns that have been raised regarding the bill'.

The SPEAKER — The question is:

That the words proposed to be omitted stand part of the question.

Those supporting the reasoned amendment moved by the member for Ferntree Gully should vote no.

House divided on question:

Ayes, 45

Allan, Ms
Andrews, Mr
Bull, Mr J.
Carbines, Mr
Carroll, Mr
Couzens, Ms
D'Ambrosio, Ms
Dimopoulos, Mr
Donnellan, Mr
Edbrooke, Mr
Edwards, Ms
Eren, Mr
Foley, Mr
Garrett, Ms
Graley, Ms
Green, Ms
Halfpenny, Ms
Hennessy, Ms
Howard, Mr
Kairouz, Ms
Kilkenny, Ms
Knight, Ms
Languiller, Mr

Lim, Mr
McGuire, Mr
Merlino, Mr
Nardella, Mr
Neville, Ms
Noonan, Mr
Pakula, Mr
Pallas, Mr
Pearson, Mr
Perera, Mr
Richardson, Mr
Sandell, Ms
Scott, Mr
Sheed, Ms
Spence, Ms
Staikos, Mr
Suleyman, Ms
Thomas, Ms
Thomson, Ms
Thorpe, Ms
Ward, Ms
Wynne, Mr

Noes, 34

Angus, Mr
Battin, Mr
Blackwood, Mr
Britnell, Ms
Bull, Mr T.
Burgess, Mr
Clark, Mr
Crisp, Mr
Dixon, Mr
Fyffe, Mrs
Gidley, Mr
Guy, Mr

O'Brien, Mr D.
O'Brien, Mr M.
Paynter, Mr
Pesutto, Mr
Riordan, Mr
Ryall, Ms
Ryan, Ms
Smith, Mr R.
Southwick, Mr
Staley, Ms
Thompson, Mr
Tilley, Mr

Hodgett, Mr
Katos, Mr
Kealy, Ms
McCurdy, Mr
Morris, Mr

Victoria, Ms
Wakeling, Mr
Walsh, Mr
Watt, Mr
Wells, Mr

Question agreed to.

The SPEAKER — The question is:

That this bill be now read a second time and a third time.

House divided on question:

Ayes, 45

Allan, Ms
Andrews, Mr
Bull, Mr J.
Carbines, Mr
Carroll, Mr
Couzens, Ms
D'Ambrosio, Ms
Dimopoulos, Mr
Donnellan, Mr
Edbrooke, Mr
Edwards, Ms
Eren, Mr
Foley, Mr
Garrett, Ms
Graley, Ms
Green, Ms
Halfpenny, Ms
Hennessy, Ms
Howard, Mr
Kairouz, Ms
Kilkenny, Ms
Knight, Ms
Languiller, Mr

Lim, Mr
McGuire, Mr
Merlino, Mr
Nardella, Mr
Neville, Ms
Noonan, Mr
Pakula, Mr
Pallas, Mr
Pearson, Mr
Perera, Mr
Richardson, Mr
Sandell, Ms
Scott, Mr
Sheed, Ms
Spence, Ms
Staikos, Mr
Suleyman, Ms
Thomas, Ms
Thomson, Ms
Thorpe, Ms
Ward, Ms
Wynne, Mr

Noes, 34

Angus, Mr
Battin, Mr
Blackwood, Mr
Britnell, Ms
Bull, Mr T.
Burgess, Mr
Clark, Mr
Crisp, Mr
Dixon, Mr
Fyffe, Mrs
Gidley, Mr
Guy, Mr
Hodgett, Mr
Katos, Mr
Kealy, Ms
McCurdy, Mr
Morris, Mr

O'Brien, Mr D.
O'Brien, Mr M.
Paynter, Mr
Pesutto, Mr
Riordan, Mr
Ryall, Ms
Ryan, Ms
Smith, Mr R.
Southwick, Mr
Staley, Ms
Thompson, Mr
Tilley, Mr
Victoria, Ms
Wakeling, Mr
Walsh, Mr
Watt, Mr
Wells, Mr

Question agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

Business interrupted under sessional orders.

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

That the sitting be continued.

House divided on motion:

Ayes, 45

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

Noes, 34

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

Motion agreed to.

ELECTORAL LEGISLATION AMENDMENT BILL 2018

Council's amendments

Returned from Council with message relating to amendments:

Ms ALLAN (Minister for Public Transport) (17:22) — I move:

That the amendments be taken into consideration immediately.

Mr CLARK (Box Hill) (17:22) — On the question, Speaker, this side of the house opposes the motion that these amendments be taken into consideration immediately. They arrived in this chamber just a few minutes ago from the other place. I gather there are some 50 of them that this house is being asked to consider and decide upon on the spot. The member for Warrandyte is handling this bill on behalf of the opposition —

Honourable members interjecting.

The SPEAKER — Order! The Minister for Roads and Road Safety!

Mr CLARK — and he rightly makes the point that he needs the opportunity to consider those amendments on behalf of the Liberal and National parties, and indeed every member who is concerned about getting this bill right should have the opportunity to consider those amendments and not be asked to decide about them as a job lot on the spot in a blind rush. All along, this side of the house has made clear that we would be willing to have sensible discussions with the government about potential electoral reform, but what the government has ended up seeking to do is to press on with a highly complex bill, making a range of radical changes with inadequate opportunity to ensure that they are right either in principle or in detail.

What we have now ended up with is a bill that in principle and in operation dramatically changes the operation of the democratic system in this state in a manner that has implications that few of us can fully predict at this stage. It imposes dramatic changes on the manner in which political parties can carry on election campaigning and can seek votes and convey their views to the community, as well as enormous restrictions on the capacity of political parties to campaign. There are also huge amounts of public funds being made available to political parties, which is questionable in terms of the quantum overall and the justification for the dramatic change of the political landscape and also in terms of the extent of horsetrading with minor parties and crossbenchers that went on in the other place.

These are all matters that ought to be the subject of careful consideration by this house and not just be rammed through on an extension of the sitting by a government that is prepared to do anything it can to avoid extensive scrutiny and anything it can to avoid the community having the opportunity to fully appreciate the magnitude and the complexity of the changes that it is pushing through this place. There are measures in this bill that impact not only on political

parties but on individual citizens and the capacity of individual citizens to participate in public debate and certainly on the capacity of community organisations to participate in public debate.

Arguably many of the provisions of this bill operate in a way that will give free reign to a well-organised, well-funded third-party activist group such as GetUp! but will make it very difficult for small community-based groups such as an anti-sky rail group or an anti-Eastern Freeway group, or whatever community group wants to have its point of view, to be able to raise funds from its members and spend those funds in a way that legitimately expresses their views in the course of political debate without running afoul of some very complex requirements that are in this bill.

This, as I say, has been a complex bill all along and has been made even more complex by the suggested amendments of the Council that came to this place and were considered yesterday. Clearly there has been a divided process where we had to first consider suggested amendments. The bill has then gone back to the other place and there have now been amendments that the other place has made that have come back here, and we are being asked to try to deal with all of that. How can there be any assurance to this house or to the community as a whole that this bill has been got right in questions of detail, let alone in the questions of principle about what the government is doing to restrict the capacity of political parties to engage in political debate and restrict the capacity of citizens to contribute their funds or their time or their resources or their energy and their freedom of speech in political debate?

These are all matters that we should not be being asked to decide at 5.30 or so on a Thursday afternoon. This should not proceed today. The member for Warrandyte and other members should have adequate time to properly consider the amendments, and we should consider this bill and the amendments to this bill when the house resumes next sitting week, rather than attempting to deal with them this evening.

Mr PAKULA (Attorney-General) (17:27) — Just briefly on the question of whether or not the amendments to this bill should be dealt with immediately, we do not for a moment dispute the claim of the manager of opposition business that this is a bill with a range of significant consequences. It is a bill which has a lot in it. What we do take issue with is the notion that members of the opposition have not had an opportunity to be fully acquainted with the provisions of this bill.

This is a bill which has been the subject of negotiation for many, many months. The delay in it being brought to debate in the other place has not been a matter of the government's doing. The amendments that are now sent here from the Legislative Council have likewise been the subject of debate that has continued not just for many hours but for days, and it is frankly disingenuous for those opposite to assert —

Mr Watt — I haven't seen them, though.

Mr PAKULA — I say to the member for Burwood that there is no process that could give the member for Burwood an understanding of complex matters — no process.

Mr Watt — On a point of order, Speaker, I would ask the member to withdraw.

The SPEAKER — I ask the Attorney-General to withdraw.

Mr PAKULA — I withdraw, I withdraw, I withdraw, Speaker! I withdraw!

Honourable members interjecting.

The SPEAKER — Order! The Attorney-General will resume his seat.

Mr Watt — On the point of order, Speaker, the member is required to withdraw —

Ms Allan — He did!

Mr Watt — He did withdraw, but the tone of his withdrawal makes it very clear. Speaker, you know that that should not be accepted. He should actually withdraw sincerely and make his withdrawal. He knows he did the wrong thing. He should just withdraw.

The SPEAKER — Order! the Attorney-General has withdrawn. The Attorney-General is to refrain from making personal reflections on members.

Mr PAKULA — I will certainly heed your guidance in that matter, Speaker. I do not need to go on. The government believes, and I think it is undeniable, that the matters that have been the subject of debate in the Legislative Council which are now the subject of amendments in the Legislative Council have been well ventilated. It is not at all uncommon — in fact it is commonplace for a bill which is amended in the Legislative Council to then return to this place and for those amendments to either be accepted or rejected by this place without undue delay. It is commonplace for

them to be dealt with forthwith, and that is what should occur on this occasion.

Mr WALSH (Murray Plains) (17:31) — I follow the Attorney-General, who seems to have such great faith in the upper house. If I remember rightly, the Attorney-General has just spent literally hundreds and hundreds of thousands of dollars taking the Ombudsman to court because he does not trust the upper house —

Ms Allan — On a point of order, Speaker, this is a very narrow debate on the question of time, and can you ask the Leader of the National Party to come back to the substance of the debate.

Honourable members interjecting.

Ms Allan — The more you tell me to sit down, the longer I might take, so thank you for that invitation. I would ask that the Leader of the National Party be brought back to the substance of the debate, which as I said is a very narrow question on time.

The SPEAKER — I ask the Leader of The Nationals to remain on the motion before the house.

Mr WALSH — Thank you, Speaker. As the Leader of the House did say, this is about whether this bill is dealt with now or whether it should be dealt with in the next sitting week. I am just amazed as to why this bill should be dealt with with indecent haste. Yes, we know our colleagues in the upper house do a very thorough job when they go through legislation, but there are, as has already been said, 50 amendments that lobbed back here about 20 minutes ago. I actually think if we are going to do our job — if we are going to do the job that we are elected to do and scrutinise legislation as it comes through this place — we deserve more time.

On behalf of Victorians, we are talking about spending \$45 million worth of Victorian taxpayers money across each election cycle. This is a lot of money. It is a huge change to the electoral system here in Victoria, and to say at 5.30 p.m. on a Thursday night after the guillotine ‘We are going to deal with this major piece of legislation forthwith’ I think is a dereliction of our duty as legislators in this place. The people on this side of the house deserve the opportunity to go away and scrutinise this legislation and to actually marry up amendments with the legislation.

It is all very well to say you have got a bit of paper with four or five pages with the amendments and the clause numbers on it, but with all due respect to parliamentary counsel and to our upper house colleagues, there have been drafting mistakes when things have been done on

the fly in the past. I think that is where we need the opportunity to go through this piece of legislation and actually have a look at it, because what will happen if it is rushed through tonight is we will find we are back in a few weeks time having to do house amendments because there is something that has not been done correctly. Except for the fact that the Labor Party wants to get a cheque in the mail out of this particular process, I do not see why it cannot wait till the next sitting week. What is the haste other than the Labor Party wanting some money out of this particular process? I would urge those in the house to vote against the Leader of the House’s motion to proceed with this bill forthwith, because I just think it is too important to rush it. I think particularly the lead speaker who has been dealing with this bill on our behalf deserves the courtesy of the time —

Ms Allan — Yes, because he extends it to so many others!

Mr WALSH — I think comments like that just cheapen the Leader of the House. They just trivialise and cheapen the way the Leader of the House is treating this house at this time. If the government wants to stay here for hours and go through this bill, clause by clause, so we have an opportunity to understand it, that is fine. We will stay here and we will do that. I think there is indecent haste being shown on this bill and a total lack of respect for the parliamentary process that we are elected to carry out. I would urge people in this house to vote against the Leader of the House’s motion.

Mr PEARSON (Essendon) (17:35) — I rise to support the Leader of the House’s motion. What we have been asked to do —

Mr Clark — On a point of order, Speaker, in terms of the conduct of the house, it appears to me that the amendments that we are being asked to take into consideration immediately have not yet been circulated to the house. My understanding is that the member for Warrandyte has a copy that was handed to him, but no other members of the house — none of the crossbenchers, the Greens party or the Independents — have them, and it is universal practice that when the house is asked to make a decision on a bill or on amendments or on some other document, that copies of that document be made available. For any member — particularly for crossbenchers — to decide whether or not they want to deal with the matter forthwith or whether they want to adjourn debate, to be able to actually see the document is pretty fundamental. I suggest that the sitting of the house should be suspended until copies of the documents have become available and can actually be circulated so the debate can continue on an informed basis.

Ms Allan — On the point of order, Speaker, the manager of opposition business has been here long enough and knows full well that the reason why the material is not in the hands of honourable members formally is that we have not resolved the matter. That is what we are doing right now. The moment that the house resolves to deal with this matter forthwith, those amendments will be appropriately circulated.

I am sure the member for Box Hill was not reflecting on the conduct of staff in his contribution, but that is the appropriate way that amendments get circulated to the house. Amendments do not get circulated by me. They do not get circulated by you. They get circulated by the staff once the house has resolved to get to that point, and we are not at that point yet. What we are seeing here is that the opposition are going to try to filibuster and drag this out as long as they like. They might do that, but let us not have this sort of behaviour tonight. I am happy to have the amendments circulated as soon as we get to —

Mr R. Smith — On a point of order, Speaker, the volume of amendments is central to the decision to extend the sitting or not. As the member for Box Hill said, the crossbenchers have no idea whether there is one amendment, whether there are two or whether there are 50. There are in fact 50. That is a central part of the point that the member for Box Hill is making, which is that this house cannot make an informed decision on whether the sitting should be extended or not until they have an idea of the volume and complexity of the amendments that are in my hands but that are apparently in no-one else's hands.

Ms Sandell — On the point of order, Speaker, I appreciate the manager of opposition business and the member for Warrandyte jumping to our defence; however, it is not necessary. We have received a briefing on these amendments, and I believe the member for Shepparton has as well. There have been many weeks of negotiations. It is no surprise to anyone what is in these amendments, and we would prefer to just get on with things.

Mr M. O'Brien — On the point of order, Speaker, the world does not revolve around the Greens. There are other members in this house besides the Greens who have not received the amendments, and we would quite like to have a look at them first.

The SPEAKER — Order! Members should know that if this question is resolved in the affirmative and the amendments are taken into consideration forthwith, the Acting Clerk will be called and the amendments will be called on and circulated.

Mr PEARSON — The other place has done its job. It has dealt with this bill. It has passed amendments. There is now an opportunity for us to do our job and discharge our duties as members of the Assembly and to deal with these amendments forthwith. I support the motion of the Leader of the House.

Ms STALEY (Ripon) (17:40) — I oppose consideration of these amendments forthwith because, as the manager of opposition business said, we have had no opportunity to see these 50-plus complex amendments to a bill that is already complex.

I take up a point that the Attorney-General made in his remarks on this. He said that it is not commonplace to have extended debate or extended consideration when these sorts of amendments come back to the house. It is not commonplace for them to be this complex. It is not commonplace for us to get 50 amendments, many of which are contested. It is all right if there is an amendment coming back that we all agree on, but we know that there are likely to be contested areas here, because in the other place there was a lot of contested debate.

This is a bill that fundamentally changes the operations of the Electoral Act 2002 in Victoria and introduces large amounts of public funding — public money — to political parties, particularly to small political parties. It is therefore absolutely incumbent on us to be very careful when we go through every single one of these amendments and to be, as the member for Ringwood says, diligent in our duty. We are here as legislators. We are here to have a role in legislating law, and at the moment we have had these amendments put to the house with no forewarning. They have come to us just now. I would say that this is part of a pattern of behaviour regarding this bill by the Labor Party.

When this bill was originally debated in the upper house there was a series of amendments. They tried to slam them through at midnight on Friday, but the house collapsed in disarray. They have come back and had another go, and that is what we are faced with today. But it is really clear that this bill requires as much scrutiny as we can give it. It absolutely changes the electoral law in this state. It provides significant advantages to the Labor Party in terms of trade union affiliation fees that are not shared by any other party. It is a significant attack on free speech — a very, very important principle about which many of us on this side of the house have tried to elucidate to the chamber to say not only that this is about you getting your hands on however much money you can get but also that it is an issue of free speech in this state.

People should have the right to make political donations at the level they want to make them. That is a fundamental part of their freedom of speech. But we do not know what these amendments coming to us do. Maybe they give us back that freedom of speech, but we do not know because we have not seen them yet. It is absolutely incomprehensible that the government would seek to have debate forthwith on something so complex. If those opposite were not ashamed of the bill that was being put to us now and if they were not ashamed of the huge rivers of gold that they are paying to themselves and to some others, such as the Greens, then they would not be seeking to do this. This is absolutely a political bill. They are seeking to engineer a political outcome and put this bill through when there is nobody in the media gallery and when there is no scrutiny. This all about them putting through money for themselves right now.

The Greens of course are going to support this because it will give rivers of gold to them. They are just rolling in it in this bill. But we do not get to see these amendments. The shadow minister with carriage of this bill has had them now for 40 minutes maybe, and I am not sure how he is meant to have compared them to the original bill. I have immense faith in the shadow minister who has carriage of this bill, but even he, with his amazing powers, is unlikely to have been able to incorporate all of the 50-plus amendments and work out how they work with the bill as it was previously amended and brought to us.

As the Leader of The Nationals said, there have been many times where bills like this have come to us with flaws in them. In fact the original bill that came to us had a very, very significant flaw in relation to the start date for part of the bill. We already know this is not a perfect bill, and we need more time.

House divided on motion:

Ayes, 44

Allan, Ms	Languiller, Mr
Andrews, Mr	Lim, Mr
Bull, Mr J.	McGuire, Mr
Carbines, Mr	Merlino, Mr
Carroll, Mr	Nardella, Mr
Couzens, Ms	Neville, Ms
D'Ambrosio, Ms	Noonan, Mr
Dimopoulos, Mr	Pakula, Mr
Donnellan, Mr	Pallas, Mr
Edbrooke, Mr	Pearson, Mr
Edwards, Ms	Perera, Mr
Eren, Mr	Richardson, Mr
Foley, Mr	Sandell, Ms
Garrett, Ms	Scott, Mr
Graley, Ms	Spence, Ms
Green, Ms	Staikos, Mr
Halfpenny, Ms	Suleyman, Ms

Hennessy, Ms
Howard, Mr
Kairouz, Ms
Kilkenny, Ms
Knight, Ms

Thomas, Ms
Thomson, Ms
Thorpe, Ms
Ward, Ms
Wynne, Mr

Noes, 34

Angus, Mr
Battin, Mr
Blackwood, Mr
Britnell, Ms
Bull, Mr T.
Burgess, Mr
Clark, Mr
Dixon, Mr
Fyffe, Mrs
Gidley, Mr
Guy, Mr
Hodgett, Mr
Katos, Mr
Kealy, Ms
McCurdy, Mr
Morris, Mr
O'Brien, Mr D.

O'Brien, Mr M.
Paynter, Mr
Pesutto, Mr
Riordan, Mr
Ryall, Ms
Ryan, Ms
Sheed, Ms
Smith, Mr R.
Southwick, Mr
Staley, Ms
Thompson, Mr
Tilley, Mr
Victoria, Ms
Wakeling, Mr
Walsh, Mr
Watt, Mr
Wells, Mr

Motion agreed to.

Message from Council relating to following amendments considered:

1. Clause 2, page 2, line 5, after "Parts" insert "2,".
2. Clause 2, page 2, line 8, omit all words and expressions on this line and insert—

“(2) Section 47(2) comes into operation on 1 August 2018.”.
3. Clause 2, page 2, line 9, after "(3)" insert "Part 4 (except section 47(2)), and”.
4. Clause 2, page 2, lines 11 to 14, omit all words and expressions on these lines.
5. Clause 8, page 5, line 6, after "made" insert "during the period commencing 115 days before the day of the 2018 general election resulting from the expiration of the Assembly, or”.
6. Clause 8, page 5, line 8, omit "a" and insert "any other”.
7. Clause 14, page 8, line 10, after "made" insert "during the period commencing 115 days before the day of the 2018 general election resulting from the expiration of the Assembly, or”.
8. Clause 14, page 8, line 11, omit "a" and insert "any other”.
9. Clause 24, page 13, line 21, after this line insert—

“(2) For section 101(2)(c) of the **Electoral Act 2002 substitute—**

“(c) must not be physically attached to, or form part of, other written material issued by a person or

organisation other than the Commission; and”.

Section 179A applies to an offence against subsection (4) or (5).”.

NEW CLAUSE

10. Insert the following New Clause to follow clause 27—

‘AA New section 104A inserted and consequential amendments

(1) After section 104 of the **Electoral Act 2002** insert—

“104A Information to be provided to registered political parties and candidates

(1) Subject to subsection (3), the Commission must provide on request, the name and address of any person whose application to vote by post (whether in writing or electronic form) has been accepted under section 104(1) or (1A) to—

- (a) each registered political party; and
- (b) each candidate who is not endorsed by a registered political party who is standing for the region or district in which the address of the person is located—

as soon as practicable after the declaration and ballot-paper has been issued under section 104(1A).

- (2) The Commission may provide the information under subsection (1) electronically or in an electronic form.
- (3) The Commission must not provide particulars of silent electors or itinerant electors under this section.
- (4) A person must not use information provided under subsection (1) for any purpose unless the use is for a purpose in connection with the election.

Penalty: In the case of a natural person, 600 penalty units;

In the case of a body corporate or registered political party, 3000 penalty units.

(5) A person must not disclose information provided under subsection (1) unless the disclosure is for any purpose in connection with the election.

Penalty: In the case of a natural person, 600 penalty units;

In the case of a body corporate or registered political party, 3000 penalty units.

Note

(2) In section 37(1) of the Electoral Act 2002, for “or 34” substitute “, 34 or 104A”.

(3) After section 179A(2)(f) of the Electoral Act 2002 insert—

“(fa) section 104A(4) and (5);”.

11. Insert the following New Clause to follow clause 30—

‘BB Part 6A substituted

For Part 6A of the **Electoral Act 2002** substitute—

“Part 6A— Electronic voting and electronic assisted voting

Division 1— Electronic voting

110A Application of Part 6 to electronic voting

Part 6 applies to and in respect of electronic voting subject to the provisions of this Part.

110B No entitlement to electronic voting

This Part does not create an entitlement to vote by electronic voting.

110C Availability of electronic voting

Electronic voting is available at a voting centre which is designated by the Commission as an electronic voting centre.

110D Who can access electronic voting?

(1) Electronic voting can be accessed by—

- (a) an eligible class of electors; and
- (b) any other class of electors prescribed by the regulations for the purposes of this section.

(2) In this Division, *eligible class of electors* means electors who otherwise cannot vote without assistance because of—

- (a) blindness or low vision; or
- (b) a motor impairment; or
- (c) insufficient literacy skills (whether in the English language or in their primary spoken language).

Division 2— Electronic assisted voting

110E Application of Part 6 to electronic assisted voting

Part 6 applies to and in respect of electronic assisted voting subject to the provisions of this Part.

110F Availability of electronic assisted voting

- (1) The Commission must determine that electronic assisted voting is available at an election.
- (2) The Commission must designate a voting centre as an electronic assisted voting centre.

110G Who can access electronic assisted voting?

Electronic assisted voting can be accessed by a prescribed eligible class or classes of electors prescribed by the regulations for the purposes of this section.

110H Commission to approve procedures for electronic assisted voting

- (1) The Commission may approve procedures to facilitate voting by a prescribed eligible class or classes of electors at an election by means of electronic assisted voting.
- (2) The Commission may engage an independent person or auditor to conduct audits of the computer program, systems and information technology used under the approved procedures.

Division 3— General**110HA Definition**

In this Part, *electronic assisted voting* includes voting by the use of electronic equipment, telephone or other technology.

110HB Approval of computer program or system for electronic voting and electronic assisted voting

- (1) The Commission may approve a computer program or system to enable electronic voting and electronic assisted voting if the Commission is satisfied that the criteria specified in subsection (2) apply.
- (2) The criteria are—
 - (a) the proper use of the computer program or system will give the same result in the recording of votes in an election as would be obtained if no computer program or system was used in the recording of votes;
 - (b) the computer program or system will enable a visual display or auditory description (including the names and order of the candidates and other details about the candidates as they appear on the ballot-paper) of the ballot-paper and voting instructions to be provided to an elector so that the elector may vote using a touch screen or a keypad;

- (c) the computer program or system will enable an elector to select consecutive preferences beginning with the figure “1” or, in the case of an election for the Legislative Council, to select only one party or group in accordance with section 93A(2)(a);
 - (d) the computer program or system allows an elector to correct a mistake before the vote is processed by the computer program;
 - (e) the computer program or system allows an elector to give an informal vote by selecting no preferences for any candidate or by voting for less than the number of vacancies to be filled at the election;
 - (f) the computer program or system allows an elector to abandon for any reason the electronic ballot-paper without completing the vote;
 - (g) the computer program or system can produce a paper record of each vote cast using an electronic ballot-paper to enable the counting of votes in the election;
 - (h) the computer program or system will prevent any person from ascertaining the vote of a particular elector.
- (3) The Commission may approve a process for capturing preferences into the approved computer program or system for electronic voting or for electronic assisted voting.

110HC Security arrangements

The Commission must ensure that arrangements are in place to ensure that—

- (a) systems, computer programs and electronic devices used or intended to be used for or in connection with electronic voting and electronic assisted voting are kept secure from interference; and
- (b) the integrity of voting is maintained while electronic voting and electronic assisted voting is being used.

110HD Ballot-papers

- (1) For the purposes of this Part, a ballot-paper prepared under section 74 may be in an electronic form.
- (2) The Commission may approve changes to the electronic form of the ballot-paper which are necessary to facilitate the visual

display or auditory description of the electronic form.

Penalty: Level 6 imprisonment (5 years maximum) or level 6 fine (600 penalty units).

- (3) The Commission may approve changes to the form of the ballot-paper printed from the ballot-paper in an electronic form.

Note

Section 179A applies to an offence against this section.”.

110HE Voting

- (1) For the purposes of section 92, if section 110D applies to a person entitled to vote, the person may be given access to an electronic ballot-paper.
- (2) For the purposes of section 92, if section 110G applies to a person entitled to vote, the person may authorise an election official to access and complete a ballot-paper on their behalf.
- (3) If an elector given access to an electronic ballot-paper has complied with the voting instructions provided and the vote is processed by the computer program, the elector is to be taken for the purposes of sections 93 and 93A to have marked the elector’s vote on the ballot-paper in accordance with those sections.
- (4) For the purposes of section 93(6), an elector using electronic voting or electronic assisted voting is to be taken to have deposited their vote in the ballot-box—
- (a) in the case of electronic voting, when they submit their electronic ballot-paper using the approved computer program; or
- (b) in the case of electronic assisted voting, when the election official has confirmed completion of the ballot-paper.
- (5) For the purposes of section 98, a person to whom section 110D applies is entitled to apply to vote at an early voting centre.
- (6) The validity of a vote cast in accordance with this section cannot be disputed on the ground that the elector could have voted without assistance.

12. Clause 35, page 19, line 13, omit “**section**” and insert “**sections 152 and**”.

13. Clause 35, page 19, line 14, after this line insert—

“(1) After section 152(3) of the **Electoral Act 2002** insert—

“(4) A person must not, subject any person who within 100 metres of the entrance of a building used as a voting centre is handing out how-to-vote cards or supporting a candidate at an election, to violence or intimidation.

(5) A person who contravenes subsection (4) is guilty of an indictable offence.

Penalty: Level 6 imprisonment (5 years maximum) or level 6 fine (600 penalty units).”.

14. Clause 36, page 21, lines 14 and 15, omit “, registered political party or organisation may display one sign” and insert “or registered political party may display 2 signs”.

15. Clause 40, page 25, line 2, omit all words and expressions on this line.

16. Clause 40, page 25, line 3, omit “(b)” and insert “(a)”.

17. Clause 40, page 25, line 6, omit “(c)” and insert “(b)”.

18. Clause 40, page 25, line 16, after this line insert—

“*election campaigning period* means the period—

(a) commencing on 1 October in the year of a general election as a result of the expiration of the Assembly and ending at 6 p.m. on the day of the general election; or

(b) commencing on the day on which the writ is issued for any other election and ending at 6 p.m. on the day of the election;”.

19. Clause 40, page 26, lines 28 and 29, omit all words and expressions on these lines and insert—

“(b) a registered political party; or

(c) an elected member—

but does not include expenditure incurred by an associated entity or third party campaigner on any material that is published, aired or otherwise disseminated outside of the election campaigning period unless the material refers to—

(d) a candidate or a registered political party; and

110I Offence in relation to electronic voting and electronic assisted voting

- (1) A person must not, without reasonable excuse, destroy or interfere with any computer program, data file or electronic device which is used, or intended to be used, for or in connection with electronic voting and electronic assisted voting.
- (2) A person who contravenes subsection (1) is guilty of an indictable offence.

- (e) how a person should vote at an election;”.
20. Clause 40, page 27, line 16, after “that” insert “receives political donations or”.
21. Clause 40, page 27, line 17, omit “\$2000” and insert “\$4000”.
22. Clause 40, page 28, lines 19 to 26, omit all words and expressions on these lines and insert—
- “(g) an annual subscription paid to a registered political party by a person in respect of the person’s membership of the registered political party;”.
23. Clause 40, page 28, lines 30 to 35, and page 29, lines 1 to 10, omit all words and expressions on these lines and insert—
- “(i) an annual levy paid to a registered political party by—
- (i) an elected member or a member of staff of the elected member (including an electoral officer); or
- (ii) an employee or elected official of the registered political party;”.
24. Clause 40, page 29, line 17, after this line insert—
- “(ja) a gift made for Commonwealth electoral purposes that is not paid into the State campaign account;”.
25. Clause 40, page 31, line 10, omit “expenditure;” and insert—
- “expenditure—
- in which case, the whole or the part of the gift used, or intended to be used, for the purposes specified in subparagraphs (i) and (ii) is a political donation;”.
26. Clause 40, page 31, line 25, omit “expenditure;” and insert—
- “expenditure—
- in which case, the whole or the part of the gift used, or intended to be used, for the purposes specified in subparagraphs (i) and (ii) is a political donation;”.
27. Clause 43, page 37, line 6, omit “An” and insert “Subject to subsection (3), an”.
28. Clause 43, page 37, line 22, after this line insert—
- “(3) Despite subsection (2), if the first appointment of an entity as the nominated entity of a registered political party is made before 1 July 2020, an entity is eligible to be appointed as the nominated entity of the registered political party if the entity is an incorporated body—
- (a) that—
- (i) operates for the principal benefit of the members of the registered political party; or
- (ii) is established and maintained, or is the trustee of a trust established and maintained, for the principal benefit of the members of the registered political party; and
- (b) that does not have voting rights in the registered political party.”.
29. Clause 43, page 37, line 23, omit “(3)” and insert “(4)”.
30. Clause 44, page 41, line 6, after this line insert—
- “*administrative expenditure funding* means funding paid to a registered political party or an independent elected member for administrative expenses, including expenses incurred in complying with this Part;”.
31. Clause 44, page 41, lines 7 to 9, omit all words and expressions on these lines.
32. Clause 44, page 41, line 15, after “member” insert “;”.
33. Clause 45, page 42, line 2, before “After” insert “(1)”.
34. Clause 45, page 48, lines 30 to 36, and page 49, lines 1 to 8, omit all words and expressions on these lines and insert—
- “(5) If a registered agent of an associated entity or a third party campaigner pays into the State campaign account an amount received as—
- (a) an annual subscription paid to the associated entity or third party campaigner by a person in respect of the person’s membership of the associated entity or third party campaigner; or
- (b) an annual levy paid to the associated entity or third party campaigner by an elected official or employee of the associated entity or third party campaigner—
- the amount is to be taken to be a political donation within the meaning of section 206(1) and sections 216, 217D, 217J and 217K apply accordingly.”.
35. Clause 52, page 60, line 23, omit “(2)(a), (b)” and insert “(2)(b)”.
36. Clause 52, page 62, line 27, omit “50(2)” and insert “52(2)”.
37. Clause 54, page 67, line 6, after this line insert—
- “(9) For the purposes of this section, any amount that is a political donation made or received for Commonwealth electoral purposes and is not paid into a State campaign account of a person or entity—

- (a) is not to be included for the purposes of calculating the sum of political donations made by the donor for the purposes of subsection (2)(b); and
- (b) does not require the provision of a disclosure return under subsection (2) or (4).”
38. Clause 55, page 69, lines 12 to 14, omit all words and expressions on these lines and insert—
- “exceeds the general cap is made for Commonwealth electoral purposes and is not paid into the State campaign account of the person or entity.”
39. Clause 55, page 72, line 13, before “The” insert “(1)”.
40. Clause 55, page 73, line 31, after this line insert—
- “(2) For the purposes of calculating the sum of all amounts received from a person or entity during a financial year under subsection (1)(b)(ii) or the sum of all outstanding debts to a person or entity during a financial year under subsection (1)(b)(v), any amount that is a political donation made or received for Commonwealth electoral purposes and is not paid into a State campaign account of a person or entity is to be disregarded.”
41. Clause 55, page 73, line 33, before “The” insert “(1)”.
42. Clause 55, page 75, line 14, after this line insert—
- “(2) For the purposes of calculating the sum of all amounts received from a person or entity during a financial year under subsection (1)(b)(ii) or the sum of all outstanding debts to a person or entity during a financial year under subsection (1)(b)(v), any amount that is a political donation made or received for Commonwealth electoral purposes and is not paid into a State campaign account of a person or entity is to be disregarded.”
43. Clause 55, page 75, line 17, before “The” insert “(1)”.
44. Clause 55, page 76, line 35, after this line insert—
- “(2) For the purposes of calculating the sum of all amounts received from a person or entity during a financial year under subsection (1)(b)(ii) or the sum of all outstanding debts to a person or entity during a financial year under subsection (1)(b)(v), any amount that is a political donation made or received for Commonwealth electoral purposes and is not paid into a State campaign account of a person or entity is to be disregarded.”
45. Clause 55, page 77, line 2, before “The” insert “(1)”.
46. Clause 55, page 78, line 18, after this line insert—
- “(2) For the purposes of calculating the sum of all amounts received from a person or entity during a financial year under subsection (1)(b)(ii) or the sum of all outstanding debts to a person or entity during a financial year under subsection (1)(b)(v), any amount that is a political donation made or received for Commonwealth electoral purposes and is not paid into a State campaign account of a person or entity is to be disregarded.”
47. Clause 55, page 79, line 12, after this line insert—
- “(3) For the purposes of calculating the sum of all amounts received from a person or entity during a financial year under subsection (1)(b)(ii), any amount that is a political donation made or received for Commonwealth electoral purposes and is not paid into a State campaign account of a person or entity is to be disregarded.”
48. Clause 55, page 79, line 18, after this line insert—
- “217NA Annual returns in respect of financial year commencing on 1 July 2018**
- The period in respect of which an annual return is to be provided in respect of the financial year commencing on 1 July 2018 is the period commencing 25 November 2018 and ending on 30 June 2019 and this Division is to be construed accordingly.”
49. Clause 55, page 81, in item 3 of the TABLE, omit “\$2000” and insert “\$4000”.
- NEW CLAUSE
50. Insert the following New Clause to follow clause 62—
- “DD New sections 222DB and 222DC inserted**
- After section 222DA of the **Electoral Act 2002 insert—**
- “222DB Review to be conducted**
- (1) The Minister must cause an independent review of the operation of the amendments of this Act made by the **Electoral Legislation Amendment Act 2018 (the 2018 amendments)** to be conducted by an expert panel appointed under section 222DC.
- (2) The review must be completed within 12 months after 25 November 2022.
- (3) The review must examine and make recommendations in relation to the following—
- (a) whether this Act should be further amended to provide for a cap on political expenditure and if so—
- (i) whether the cap should apply generally or to specific persons or entities;

- (ii) the value of the cap;
 - (iii) the consequences of a failure to comply with the cap;
 - (b) the impact of the 2018 amendments upon third party campaigners, small community groups and not-for-profit entities;
 - (c) the operation of the disclosure scheme given effect to by the 2018 amendments including, but not limited to, the operation of disclosure returns;
 - (d) the effectiveness of the 2018 amendments so far as they relate to electronic assisted voting.
- (4) The review may examine and make recommendations in relation to contemporary trends and issues in respect of the electoral funding including, but not limited to, the funding of political parties or candidates (however described).
 - (5) The Minister must cause a copy of a report of the review to be laid before each House of Parliament on or before 10 sitting days after the day on which the review is completed.
 - (6) If the review recommends that this Act be amended, the Minister must use the Minister's best endeavours to ensure that the Act is amended in accordance with the recommendations before the general election to be held in November 2026.
- (b) a current employee or executive of a registered political party;
 - (c) the current Electoral Commissioner or an employee or other member of staff of the Commission;
 - (d) a current or former Member of the Parliament of Victoria.
- (4) The Electoral Matters Committee may, within 30 days of receiving advice of 3 proposed members of the expert panel from the Minister, veto one or more of the proposed members.
 - (5) If the Electoral Matters Committee vetoes one or more of the proposed members, the Electoral Matters Committee must propose 2 alternative member for each vetoed proposed member, each of whom—
 - (a) must have experience in an area specified in paragraph (2)(a), (b) or (c); and
 - (b) must not be a person specified in subsection (3).
 - (6) If the Electoral Matters Committee proposes 2 alternative members for a vetoed proposed member, the Minister must appoint one of the alternative members instead of appointing the proposed vetoed member, unless the alternative member does not satisfy the requirements of subsection (5)(a) and (b), in which case the Minister must ask the Electoral Matters Committee to propose another member.

222DC Review to be conducted by expert panel

- (1) The review of the 2018 amendments must be conducted by an expert panel comprised of 3 members appointed by the Minister.
- (2) Before appointing the expert panel, the Minister must propose 3 members to the Electoral Matters Committee established under section 5 of the **Parliamentary Committees Act 2003**, each of whom must have experience in one or more of the following areas—
 - (a) community advocacy and engagement;
 - (b) legal and regulatory compliance;
 - (c) contemporary issues relating to electoral funding.
- (3) A proposed member must not be any of the following—
 - (a) a current employee of a public service body, a public entity or a special body (within the meaning of the **Public Administration Act 2004**);
- (7) In conducting the review, the expert panel may inform itself as it sees fit, having regard to appropriate privacy considerations relating to electronic assisted voting.”.

Mr PAKULA (Attorney-General) (17:52) — I move:

That the amendments be agreed to.

In moving this motion I do not intend to make a long contribution. As members know, the member for Warrandyte and I both made contributions yesterday on the suggested amendments from the Legislative Council to this bill, and I do not believe that there is a need to traverse the same ground in an overly lengthy way.

There are amendments to this bill which, as we discussed yesterday, have been necessitated by the fact that the negotiations between the government and the opposition, which had been proceeding well for a period of months, foundered on the rocks somewhere close to the last minute. As the member for Warrandyte observed yesterday — and I am determined not to

verbal him — that necessitated the government commencing dialogue with the minor parties and the crossbench in order to secure passage of the legislation through the Legislative Council.

The amendments that are before the house now are amendments that have been debated in the Legislative Council and passed by that house. They have been the subject of long and detailed debate and discussion, and I do not think we will be well-served by going through the detail of them again.

This is an important piece of legislation. Despite the fact that, as I indicated yesterday, there is some short-term political temptation to make an issue of the fact that this legislation brings about an increase in public funding and a range of other changes in the long term, and in fact I suspect in the short to medium term, the advantages to public debate and government decision-making and the considerations of the Parliament in removing the influence of corporate donations from those deliberations I think will be substantial. I know, without individualising it, that that sentiment is shared by many members opposite.

There has been so much debate and so much discussion not just in the Parliament but in the public domain more generally about the benefits of removing corporate donations from the lifeblood of political activity. While it is true that there is a consequential increase in the amount of taxpayer funds that will go to political parties, that is a necessary by-product of that decision. Political parties do need to be able in an election context to campaign and campaign effectively. They need to be able to put their message across and there does need to be a degree of funding provided to allow that to occur. If we are going to take corporate donations out of politics — largely take them out of politics — then there needs to be a requisite increase in the public funding provided to political parties. But the benefits of that far outweigh any negatives. We ensure as part of this legislation that freedom of political expression is protected. There is not a complete bar on donations, but there is a very low threshold, one that will make it almost impossible for any form of undue influence to be applied.

I simply conclude by commending to the house the extraordinary benefits that will accrue not just to the Parliament but to the Victorian community over a long period of time as a consequence of the passage of this legislation and of these amendments. I think it is incumbent on all of us that while there has been a vigorous debate and while there has been a detailed debate, it is time to bring that debate to a conclusion. These amendments are sensible. They conform with the

original intention of the bill and in many respects improve it. It is time to reform the way that our political donation regime works. This bill does that, the amendments assist it, and I commend them to the house.

Mr R. SMITH (Warrandyte) (17:58) — I thank the Attorney-General for his comments. As the Attorney-General said, a lot of the comments that I had to make this about this bill were made yesterday. There are just a couple of points I do want to make, and one is that I was in the Council when this was debated and I heard the contribution by the Greens about, in their view, the appalling situation where private business contributes to political parties. A member for Northern Victoria Region in the other place, Luke O'Sullivan, pointed out the hypocrisy of those comments from the Greens, who have as a party been the beneficiaries of the biggest single donation from a corporation to a political party in this country's history.

Ms Sandell — Not from a corporation. That is incorrect.

Mr R. SMITH — From an individual, — so the hypocrisy of the Greens in their statements about the evils of corporate donations is certainly hypocrisy that they put on show for everyone to see. I again make the comments about Ms Patten from the Reason party, who in her press release, which has now disappeared from her website, said that public money being used to give to political parties for donations could be used better for the public good, but she then took more of that public money in order to give her support of the bill to the government. The Greens and Ms Patten unfortunately are absolutely hypocrites in their comments and stand condemned for those comments.

The other point I would like to make is in relation to amendment 13, which amends clause 35. I will just read this out. It is an amendment that the coalition moved in the Council that I am grateful to the crossbenchers for supporting. The amendment is:

A person must not, subject any person who within 100 metres of the entrance of a building used as a voting centre is handing out how-to-vote cards or supporting a candidate at an election, to violence or intimidation.

A person who contravenes subsection (4) is guilty of an indictable offence.

Penalty: Level 6 imprisonment ... or level 6 fine ...

I am proud of this particular amendment because those who witnessed the behaviour at the polling booths at the 2014 election know the behaviour of those supporting Labor was nothing short of an absolute disgrace. The members of this place — the member for

Mordialloc, the member for Carrum, the member for Narre Warren North, the member for Yan Yean and the member for Eltham — should all hang their heads in shame for the behaviour of their supporters on those polling booths. Amanda Stapledon, our candidate for Narre Warren North, was subjected to continued comments about her weight for over an hour until the police had to be called to move on those Labor supporters. It was disgraceful behaviour from those opposite and their supporters, condoned by the Premier no less. They should hang their heads in shame for what happened at those polling booths.

The intimidation I saw at those booths was nothing short of disgraceful. For those on this side of the house who supported those candidates and saw that behaviour, we are very grateful that the crossbenchers saw fit to support this particular amendment, because no-one should be subject to the sort of intimidation that those candidates were subject to on top of the disgraceful reported comments of the Premier about the former member for Carrum — and soon to be future member for Carrum, may I say. The disgraceful comments that were made by the Premier to that person —

Ms Allan — On a point of order, Speaker, the member for Warrandyte was doing so well up to that point. He is speaking —

Mr R. Smith interjected.

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

Honourable members interjecting.

The SPEAKER — Order!

Ms Allan — Wow. That escalated quickly. The behaviour of the member for Warrandyte demeans even the member for Warrandyte. The remarks he is making not only are inappropriate and outside of the confines of the debate that is before the house but are also leading into impugning another member of this place. That is not the appropriate form that the member should be taking. He is making outrageous slurs under the cover of parliamentary privilege, and I ask you to ask him to desist and come back to the matter before the house.

Mr Clark — On the point of order, Speaker, as I understand the member for Warrandyte, he was emphasising the importance of these provisions that will safeguard members of opposition parties at polling booths in light of the context of intimidation and abuse that members on this side of politics have suffered in various contexts. He was giving various examples that are in the public arena already to bear out that point. To

the extent that he is doing so he is being relevant to the motion before the house.

Honourable members interjecting.

The SPEAKER — Order! The member for Mordialloc and the member for Warrandyte!

Mr Pakula — On the point of order, Speaker, it is well-established that a member cannot impugn another member. The member for Warrandyte has attributed to the Premier comments about the former member for Carrum, which the Premier has specifically denied. I would ask you to ask the member for Warrandyte to withdraw those imputations against the Premier.

Mr R. SMITH — On the point of order, Speaker, I was simply making comments that were well publicised. The Premier even admitted that he made the calls to apologise to the former member for Carrum and then briefed the press that he had done so. He has form. The comments he made to the member for South Barwon also show us that he has form in this regard — belittling people, criticising them and abusing them.

The SPEAKER — Order! The member for Warrandyte had not outlined comments that impugn the Premier, but I feared that he was sailing towards them. I ask the member for Warrandyte to continue his contribution, focusing on the motion before the house.

Mr R. SMITH — I again say that I am very proud that we have been able to bring in this clause to make sure that the disgraceful behaviour that was demonstrated at the polling booths in Mordialloc, Carrum, Narre Warren North, Eltham, Yan Yean and at other booths will not be able to be repeated. Labor supporters and their union mates will not be able to harass mostly women at those polling booths. They talk the talk but they do not walk the walk when it comes to these particular issues. Like I said before across the table, a fish rots from the head and the head of the Labor government is as rotten as you could get. With those comments, as I said I am very proud of this particular clause. I will conclude my comments there.

Mr Richardson interjected.

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

Ms SANDELL (Melbourne) (18:06) — On these amendments, obviously the Greens have campaigned for a very long time to get big corporate money out of politics and it is a very good thing that this bill has come in and includes these amendments. In fact we know that this bill was announced during the Northcote

by-election after the Greens made political donations a big issue, particularly donations from corporations like big developers. They have undue influence and there is a perception of undue influence on our politics, and the community are simply sick of it. I hope members of the Liberal and National parties will actually listen to the community in their saying that they are absolutely sick of this and we should just get on with passing this bill.

I imagine that the Liberals and The Nationals are actually quite keen to pass this bill; they just do not want to be seen to be supporting the bill. The Liberals and The Nationals will get millions in public money from this bill, which I am sure they will happily receive. But what they want to do is use this bill to smash the government over their head in the lead-up to an election. The Liberal-Nationals coalition have had ample time to consider this bill. But rather than seek to improve it, they have decided to simply play party politics with it, whereas the crossbenchers actually engaged with the bill, sought to improve it and worked with the government to actually get this important reform through. I hope and believe the community will see through the cheap political tactics —

Honourable members interjecting.

The SPEAKER — Order! The member for Melbourne is entitled to be heard.

Ms SANDELL — I hope the community will see through the cheap political tactics of the Liberal-Nationals coalition, and I hope we can just get on with it.

Mr CLARK (Box Hill) (18:08) — First of all, let me deal with the arguments put forward by the member for Melbourne. The position of the coalition parties throughout has been that we have been open to discuss electoral reform with the government to try to seek some sensible outcomes. Indeed the member for Warrandyte put a huge amount of personal time and effort into that process on behalf of the opposition parties, but despite his best endeavours it became clear that the bill the government was seeking to press through the Parliament very late in the parliamentary term contained such a range of flaws that it would have been highly dangerous to agree to it and that it ran the very severe risk of impacts on freedom of speech, freedom of political participation and freedom of people to deploy not only their time and their financial resources but their labour and capacity to organise within the community.

The bill puts all of those things at risk through the complex and onerous restrictions that are imposed on

community organisations, restrictions that no doubt large organisations such as GetUp! would gear up to deal with and would therefore be, in relative terms, advantaged by this legislation, whereas small community-based groups and individuals who felt strongly about issues will in future have to negotiate very complex procedures, even in terms of passing the hat around amongst the members of an anti-sky rail group, an anti-Eastern Freeway group or whatever the cause might be, whichever side of politics it may be on. They are going to be put to these difficulties and this bill does run the grave risk of impeding the capacity of ordinary citizens and small community groups to participate in political debate and exercise those fundamental freedoms that have been so long a cherished part of democracy under the Westminster system.

These are very important matters. For the member for Melbourne to suggest that there was some form of ulterior motive on the part of the opposition parties is completely misjudged and unfounded. Indeed if one were to express concern about ulterior motives, one would have to question the way in which the voting pattern of the Greens party in the Legislative Council seemed to depend on the quantum of funds that was being allocated to them in the model that was before the Legislative Council. The amount of money that was going to be flowing to the Greens party might have been a very important consideration in their decision-making.

As I have said, we on this side of the house have indicated our willingness to support sensible electoral reform. Certainly we wanted reforms that would protect all citizens at polling booths from the sort of disgraceful conduct that we saw at the last election and that would ensure a proper, fair and efficient operation of the electoral system. But instead, in addition to the other matters that I have referred to so far, there are provisions with unknown or unclear implications in relation to the capacity of people to cast postal votes and the potential risks of older people and people with disabilities being disenfranchised or making it harder for them to cast a postal vote. The implications of those provisions in the bill remain unclear at this stage.

This is too important an issue to be stampeded through the Parliament and for the outcome to depend on the ebbs and flows of negotiation with various crossbenchers. We seem to have the situation where the bill has only cleared the Legislative Council because the government was prepared to extend to every crossbench or minor party member the quantum of dollars that was necessary to secure their votes.

I reject the arguments of the member for Melbourne in that regard. I would have to say that for a long time one could be of the view that however one might vehemently disagree with the political views of the Greens party at least they had a modicum of principle about them, but one has to wonder as to whether that remains the case or whether the consistency and rigour of thinking that was shown when Mr Barber, for example, was present in the Parliament has now dissipated. In contrast the position of the coalition parties has been very consistent.

The other point I want to make in contributing to this debate is to reinforce the point that has been made by the member for Warrandyte previously in relation to the extraordinarily difficult position in which the opposition parties have been placed by the manner in which the amendments from the Legislative Council have been presented to the house this evening. The member for Warrandyte rightly emphasised some of the provisions in this bundle of amendments that this side of the house would strongly support, such as those that protect any member of the public or any member of a political party from bullying, intimidation and standover tactics such as those in the last election campaign that we saw coming from the Labor Party and from those who were campaigning on their behalf.

There are those valuable and desirable amendments that are in the bundle that is before us, but at the same time there are those that do not fall into that category, and we have not had the chance to go through them one by one. There is in theory the capacity for us to ask for the question to be split, as was done in relation to the consideration of the Legislative Council's suggested amendments earlier in the week, but that theoretical capacity has been rendered impossible to apply in practice by the procedure that has been followed by the government, because there simply has not been time for the member for Warrandyte or any other opposition member to go through the bill and identify which of those questions are ones that we would support and which we might want to vote against.

Whatever the outcome of the deliberation on the motion before the house this evening, the house and the community should be left in no doubt that there remain very fundamental objections on this side of the house as to a number of the principles that are reflected in this bill in terms of the trespass on freedom of speech and freedom of action that the member for Ripon so eloquently referred to earlier. There are also very serious concerns about the mechanical operation of a number of these provisions and the extent to which their operation is going to create confusion, litigation, cost, uncertainty and opportunities for exploitation in a way that was

unintended, and to impede the legitimate and open and free conduct of political debate in this state.

It is a very grave move that this Parliament and this house is taking in passing this bill in the form that it now stands and the way that it has now been done. I reiterate the very strong view of this side of the house that there are provisions in this bill that are contrary to free speech, to the proper conduct of democracy, that do impede the freedom of citizens to take part in political debate and do advantage certain groups within the community in terms of giving them a latitude to do things, expend resources to campaign for causes that they may have because of how they are structured and how they are organised, whereas others in the community are disadvantaged and inhibited. Those remain very strong concerns of the Liberal and National parties.

Ms ALLAN (Minister for Public Transport) (18:17) — I am pleased to make a contribution on this debate, and my contribution is particularly going to urge us to resolve this matter as quickly as possible, because the advice I have is that this has not been a matter that has been sprung on the house in the last hour or the last 5 minutes as those opposite would try to have people believe. There have been months and months of extensive negotiations, discussions and consultations. There was an Electoral Matters Committee report that went to some of these matters.

There is nothing new in the material we are considering tonight, nor are those opposite introducing any new items for debate. This is more about their ongoing opposition to the bill; I think we know that by now. They have had ample opportunity on the two previous occasions this matter has been before the house. I appreciate the member for Warrandyte might have had some different views along the way and has had some conversions along the journey, but this has been debated on two previous occasions. It was debated a number of weeks ago in this place in the normal second-reading process. It came back yesterday, and we provided a significant amount of time to the house to consider the amendments from the Legislative Council, and it is back here tonight with no new material being introduced.

I would urge the house to resolve this matter quickly because this is a very important bill that makes significant reforms to the way elections and the process of elections are held in this state. We know that those opposite at the heart of it are opposing those important transparency measures that are being introduced in this bill. We know that they want to be able to retain the capacity to put in their back pocket the big bucks from the big corporations that they like to court. We know they want to keep that process in place. We have a very

different approach on the Labor side. We want to see greater transparency around the political donation process, and through this legislation we are bringing in some of the strictest and most transparent political donation laws in Australia — and that is at the heart of their opposition. They are trying to cloak the debate tonight in all sorts of processes and procedures. That is just a smokescreen against what is at the heart of this bill, alongside some other really important modernisations around the way elections are conducted which we should welcome. We should be cheering from the rooftops the fact that we will not have to put endless amounts of bunting around polling booths.

There are other reforms that are here in this legislation about modernising the way elections are run, and they should be welcomed by the Parliament. Indeed they have been welcomed by the majority of people in this Parliament because that is why we are here. After extensive debate — it has been through both chambers twice — the bill is back here for its final conclusion, and I would urge the house to conclude this as quickly as possible so the bill can come into effect in time for the next election.

Motion agreed to.

Remaining business postponed on motion of Ms ALLAN (Minister for Public Transport).

ADJOURNMENT

The SPEAKER — The question is:

That the house now adjourns.

South Gippsland Highway

Mr D. O'BRIEN (Gippsland South) (18:21) — (14 716) My adjournment matter is for the Minister for Resources. I am asking the minister to investigate concerns about sand spilling onto roads from sand trucks from the quarries at Nyora and Lang Lang on the South Gippsland Highway. I am a little bit vague in the action I am requesting — I appreciate that — because what I want to know is whether the trucks coming to and from the quarries, as a result of any conditions on the permits of those quarries, need to be properly washed down and cleaned when coming onto the roads. If they do have such a condition on their permits, then I am seeking that the minister enforce them. If there is no such requirement with respect to trucks coming from and going to the sand quarries, I am asking him to investigate that being a condition of those permits.

The reason I am raising this is I have had a number of concerns expressed by not only general motorists but

also trucking firms that travel up and down the South Gippsland Highway regularly that at the entrances to the quarries, particularly at Nyora and Lang Lang and that area, there is a lot of sand on the road and it causes a safety hazard. For trucking firms it throws sand up into the trucks, causing potential wear and tear on parts and on brakes, clogging up breathers and potentially leading to additional maintenance. This is both a safety and a cost issue. I am not blaming drivers. They may or may not be aware of it, but certainly there is sand on the road at that location. I am sure we can work out something amicably to ensure that this does not occur. I seek the minister's assistance on this issue.

Police resources

Mr McGUIRE (Broadmeadows) (18:23) — (14 717) My adjournment request is to the Minister for Police. The action I seek is a meeting with her and the local command at the Broadmeadows police station to discuss the Andrews Labor government's record recruitment campaign. Latest figures from the independent Crime Statistics Agency show the six-year crime trend has been turned around, with Hume residents experiencing a decline in the crime rate for the past 12 months. The investment in 3135 new police — the biggest police recruitment drive in Victoria's history — is having an impact on the ground, with crime in the Hume local government area down by more than 8 per cent.

Local police members in the Broadmeadows electorate are working hard to target issues including burglaries, break and enter offences, sexual offences and drug dealing and trafficking offences, which is reflected in the latest statistics. In the year to March 2018 burglaries and break and enter offences were down by 6.7 per cent, sexual offences were down by more than 8 per cent and drug dealing and trafficking offences were down by 17 per cent.

Crime has dropped across Victoria, with 68 of Victoria's 79 local government areas experiencing decreases in recorded offence rates from the previous 12 months, with a 9.5 per cent decrease in the crime rate. Despite these community safety gains, family violence remains one of the most significant issues facing the Victorian community, with demand for services and support continuing to increase. That is why the Labor government is deploying family violence police specialists to communities across Victoria to help tackle family violence.

Following the unprecedented \$2 billion for Victoria Police recruitment, the Hume region will receive 15 new police as part of the 825 scheduled to graduate

from the academy during the next year. More police in our community means more police patrolling the streets and more police employed in specialist roles to prevent crime and prosecute offenders. This year's community safety statement builds on the record police investment with new laws and more specialist police, equipment and technology to crack down on serious and organised crime. Having established a tough-on-crime regime, I would like to see the next evolution be the smart-on-crime proposition as well and to address the causes of crime — poverty, unemployment and disconnection — particularly in postcodes of disadvantage. That would benefit the entire community.

Mitcham Road, Mitcham

Ms RYALL (Ringwood) (18:26) — (14 718) My adjournment request is for the Minister for Roads and Road Safety. The action I seek is to have a full road safety review at peak before and after school times on Mitcham Road between Springfield Road and the Mitcham Bowling Club. The review needs to ensure that flashing 40-kilometre signs are installed on Mitcham Road outside Mullauna College. Mullauna College and Mitcham Primary School are next to each other and share a pedestrian crossing on Mitcham Road outside Mitcham Primary School.

With the Andrews government policy of increasing housing density in Mitcham and the surrounding suburbs, there are more vehicles on the road now than ever before. Parents are reporting that they and their children are exposed to many near misses from cars speeding through the pedestrian crossing when travelling south on Mitcham Road from Springfield Road. They also report that their much-loved lollipop person has been subject to several near misses as well. While there is a 40-kilometre sign on Springfield Road, Mitcham, it appears that drivers who stop at the Springfield Road–Mitcham Road intersection forget once they have turned the corner that there is indeed a 40-kilometre zone outside the schools during those specific before and after school periods. There is nothing further to remind them that in fact it is a 40-kilometre speed zone.

Parents are fearful that there will be a serious accident if safety concerns are not addressed. I would appreciate the minister's urgent attention to this. I share their concerns. There are significant volumes of traffic. There are many, many children crossing the road at that particular time, both before school starts and after school has been completed. It is vitally important that not only the students at Mitcham Primary School and Mullauna College are safe when it comes to crossing the road but also their parents, who are walking across

the pedestrian crossing with them, and that our lollipop people, who are making sure that the children are safe, are in fact themselves safe. So I call on the minister to conduct a full review of the Mitcham Road pedestrian crossing — all traffic to and from and going north to south and back at the appropriate times before and after school — and that most certainly flashing 40-kilometre speed signs are installed outside Mullauna College on Mitcham Road.

African-Australian communities

Mr PEARSON (Essendon) (18:28) — (14 719) I direct my adjournment debate to the Minister for Public Transport, and the action I seek is for a meeting to be convened between me and the coordinator-general in her department to discuss employment opportunities for African-Australians on a number of the major projects of the department.

Warrigal Road landslip

Mr WATT (Burwood) (18:29) — (14 720) My adjournment matter is to the Minister for Roads and Road Safety, and the action I seek is for the minister to update me and my community as to why Warrigal Road has been blocked for some seven months. On 19 December last year there was a landslip on Warrigal Road. The fence disappeared; the footpath disappeared. There was some significant remedial work that I understand happened at that time and happened quite quickly. They made sure that there were no gas issues and there were no issues with sewerage, but unfortunately it appears as though nothing has happened for the last seven months.

I posted about this on Facebook and I committed to people that I would actually raise this issue and ask the minister for an update. Many people have asked questions.

Why has it taken so long??

These are comments on my Facebook page.

I thought they had already started work!!

Why so loooooong?

Would loved it explained why it's taken so long

So if construction is only about to started ... who is paying for the 24 hours 7 days a week traffic management that has been there for over six months — VicRoads or local council.

Seven months — since it occurred at Christmas, to work it out?

Another person said:

Spooky, I drove along the stretch tonight and was thinking that it was taking a long time to fix.

Another person said:

Coulda organised a working day to fix it by now!

The final comment I had on my Facebook page was:

I wonder how much has been spent on 'traffic control officers' who seem to spend most of the day looking at their mobile phone; sitting in their company utilities or just chatting by the roadside.

Up to five officers in attendance each day — but what do they actually do?

The labour cost must be extraordinary by now.

Major growth industry?

The action I seek is very simple: for the minister to explain why it is that nothing has happened in seven months. The wall has not been constructed. I am hearing now that they are actually looking to start construction of a wall in the next few weeks. We might have it finished by the end of the year. I mean, 12 months is what we are looking at for this problem to be fixed. This problem will not be fixed until the next government. It will be the Liberal minister for roads who will be standing there opening this particular new section because the Labor Party are going to get tossed out because they have been hopeless. My constituency are very concerned that nothing has happened for a very long time. I appreciate the efforts of the constituency in putting up with having to have half the road blocked up for seven months. I ask for an update.

Casey Tech School

Ms GRALEY (Narre Warren South) (18:32) — (14 721) My adjournment matter is for the Minister for Education and concerns Casey Tech School. The action I seek is for the minister to join me in opening the new Casey Tech School later this year. I know the students and staff of the 21 participating schools are really getting excited about getting their hands on the latest and greatest technology in these fabulous modern facilities. It would be wonderful for the minister to see how these facilities are ensuring that every child has great learning experiences and access to every opportunity to succeed in life.

Highett public land

Mr THOMPSON (Sandringham) (18:32) — (14 722) I wish to raise a matter for the attention of the Minister for Finance, and the action I seek is that the minister ensures that the Gas and Fuel Corporation land at Nepean Highway in Highett is not sold for development but rather is set aside and preserved for community use, which could include sporting fields, ovals, courts and facilities as well as a segment of the

land being used for public car parking for railway commuters. The Leader of the Opposition has committed that a future coalition government will reserve that land for the aforementioned purposes. At present the land is designated for high-rise development. There has recently been an inquiry to look at what height limits can be increased to to allow further development on the land.

Those people who are actively involved in junior sporting clubs within the Bayside and Kingston areas are aware that whether the sport be cricket, soccer, football, netball, hockey or a raft of other sports, the demand for playing fields and playing surfaces has outstripped the availability for spaces for teams to participate and play. There has been outstanding work as a result of the co-investment by the Melbourne Cricket Club in land in Beaumaris for the redevelopment of land to provide extra playing services, and that will then provide important new playing areas. But as Melbourne's population is projected to double, it is ludicrous that there has been a lack of capacity planning for increased sporting arenas and areas, and with a grade separation program taking place on the Frankston line, we also have the remarkable situation — the unbelievable situation — that there are no new car parks planned as part of these half-a-billion-dollars worth of works. Within the immediate area of the Sandringham electorate there is no new capacity planning for increased car parking.

People cannot understand why the current government does not have the vision or the foresight to provide increased capacity planning. Hundreds of millions of dollars are being spent, but there is not one extra car park. That is why it is fundamental — axiomatic — for the Minister for Finance to not sell the land for private development but make it available for community use, sporting fields and ovals for local sporting clubs and local sporting teams, and in addition to enable those people who need to commute to work by public transport to have a place where they can park their cars rather than have to walk or run a kilometre in the rain.

Seaford railway station

Ms KILKENNY (Carrum) (18:35) — (14 723) My adjournment matter is for the Minister for Public Transport. The action I seek is for the minister to join me at Seaford station to update the community on improvements that the Andrews Labor government is making at Seaford station, particularly the new toilets. Minister, I have been contacted by local residents who catch the train at Seaford railway station. They welcome the news that toilets will be installed. Often it is the small projects that bring the greatest relief, so we

look forward to welcoming the minister down at Seaford station.

Bass Coast cycling corridor

Mr PAYNTER (Bass) (18:36) — (14 724) My adjournment matter is for the Minister for Roads and Road Safety, and the action that I seek is for the minister to meet with me and a delegation of cyclists to inspect Bunurong Road between Inverloch and Cape Paterson with a view to developing a strategic cycling corridor along the route.

Bunurong Road could be considered to be a strategic cycling corridor due to its link between the rapidly developing towns of Wonthaggi, Cape Paterson and Inverloch. This is particularly relevant as the government has declared the local district to be a dedicated regional growth area. Improvements to this road are consistent with the Bass Coast Shire Council economic development strategy, the *Active Bass Coast Plan 2018–28* and the *Bass Coast Aspirational Pathways Network Plan 2016*. If the road is still considered not to be a strategic cycling corridor, then the construction of bike lanes would be justified as a medium project which would most certainly improve safety, encourage greater cycling uptake and address a significant gap in the existing bicycle network.

In a letter dated 24 April 2016 the minister made reference to this issue and referred to protected coastal vegetation. Having cycled and driven the road on many occasions there does not appear to be significant vegetation as far as I can see. Also, there are many sections of the road where it appears that bike lanes could be constructed without the removal of vegetation. Offset planting could be implemented to compensate for any vegetation removal, if in fact this is needed. The majority of the six sections of road referred to in the letter are located between Cape Paterson and Wonthaggi and are not part of the Bunurong Road in question. Further to the letter, a smaller sized stone was used in the resealing of the existing bike lanes and against the shoulders between Wonthaggi and Cape Paterson because a local rider, Rod McGregor, reminded VicRoads' engineers of the design specifications for bike lanes. He did this not simply because cyclists prefer to ride on smoother surfaces. The letter said that there is no proposal to create a dedicated bicycle lane on this road.

As locals well know, there are already bicycle lanes on each side of the road between Cape Paterson and Wonthaggi. It seems like whoever drafted the minister's letter did not have a look at the road on site. Either that or they misinterpreted the information given

to them by VicRoads. Maybe they just had a look on their GPS maps, in which case they should have noted the presence of the existing bicycle lanes. The only solution to this issue is for the minister to order his driver to pick him up from home in Fitzroy North, despite the fact that his electorate is actually Narre Warren North, and visit Inverloch to meet with the delegation. Better still, pack a bicycle and join in for a ride along the road for a firsthand look at the dangers bike users face when using the road. If we are to encourage and promote health and wellbeing throughout our beautiful state, then this is a good place to start. I will wait to hear from the minister on his proposed dates for his visit.

Eltham drug and alcohol treatment facility

Ms WARD (Eltham) (18:39) — (14 725) My adjournment matter is for the attention of the Minister for Families and Children in the other place. The action I seek is for her to investigate a proposal which concerns the suburb of Eltham in my electorate. Minister, you would be aware of Birribi Residential Rehabilitation in my electorate, a terrific facility which works hard to help young people fight their addiction to drugs and alcohol. Young people go to Birribi when they recognise they have a problem and they need help.

I acknowledge Minister Foley's important work in providing more drug rehab beds across Victoria, benefiting both adults and young people. Our \$184 million *Ice Action Plan* is already rolling out across Victoria, and so is our \$87 million *Drug Rehabilitation Plan*. The centrepiece of the plan was the opening of 100 new residential rehab beds in March 2018. This means that across our investments over this term the Andrews Labor government is committing to double the number of residential rehab beds available in Victoria. By contrast, the previous Liberal-Nationals government slashed mental health and drug and alcohol funding.

I understand that recently the Leader of the Opposition and the shadow Minister for Health announced that the Liberal Party, if elected, will build a new \$30 million 36-bed secure drug and alcohol treatment facility targeted specifically at young offenders. I understand they are proposing to have the Children's Court order a young offender to attend this facility rather than go into custody. I recognise there is strong debate about the effectiveness of mandatory drug and alcohol addiction treatment. I also understand the CEO of Birribi attended the Liberal Party's announcement. Given that Birribi is the only drug rehabilitation facility that exclusively takes in young people in metropolitan Melbourne and given Birribi's CEO's public support for this proposal, it is reasonable for me as the local member to conclude

that Eltham is where the Liberal Party intends to place this facility. Birribi is situated on a lovely leafy acreage 50 metres from residents and less than 700 metres from a preschool and a place of worship. Primary and secondary schools are within 2 kilometres. It is important that my constituents are fully informed about the Liberal Party's proposed location for this facility.

Ms Allan — Secret plan.

Ms WARD — A secret plan indeed. The action I seek from the Minister for Families and Children is that she investigate what the government's understanding is of this Liberal proposal and what the government is doing to tackle substance abuse issues in young offenders.

Responses

Ms ALLAN (Minister for Public Transport) (18:41) — I am delighted to respond to the matter raised by the hardworking, dedicated member for Essendon in regard to how we can support more young Victorians, particularly, in this instance, young Victorians of an African background, with employment opportunities that they can find in our fabulous transport infrastructure program. We know that lots of people — tens of thousands of Victorians indeed — are already getting the chance to work on our projects, and that does not happen by accident. We have written into contracts very strong local content provisions requiring the employment of young people and people from Indigenous backgrounds, and we also want to do more to support people from multicultural communities.

In response to the member's request, I will follow-up with the office of the coordinator-general, who has the overall responsibility for the contracts across our major projects, and ask that they meet with the member for Essendon regarding how we can actively build on the engagement we already have with organisations within the African-Australian community to help people get a start in their career but to also support the needs that we have of a growing workforce in our infrastructure program.

The member for Carrum raised a matter and requested that I meet with her at Seaford station to discuss the needs of the facilities in that area. I am delighted to accept that invitation from the member for Carrum and would be very pleased to meet with her at Seaford station. Indeed we might even follow in the footsteps of Pink and go and have something to eat at the Spanish Bar in Carrum. It was great to see Seaford being put on the international map with the attendance of Pink and her partner, Carey Hart, at the Spanish Bar recently enjoying the great delights of our bayside areas of Melbourne.

The member for Carrum raised in her adjournment matter that whilst we are getting on and removing level crossings, building train lines and building new stations, we need to continue to focus on the needs of passengers and particularly the facilities that passengers can find at stations. She has raised such needs at Seaford station, and I look forward to meeting her there and further checking out the works of the level crossing removal at Seaford, which I had the chance to have a look at recently as well when I was in the area. But we will follow-up and look at how we can improve facilities at Seaford station. I really want to commend the hard work of the member for Carrum, who really goes in to bat for her communities on issues like this. I look forward to meeting her and continuing the great work she does in the Carrum community.

Eight other members raised matters for various ministers, and I will refer them on for their attention and response.

The SPEAKER — The house now stands adjourned.

House adjourned 6.44 p.m. until Tuesday, 7 August.