

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Tuesday, 18 September 2018

(Extract from book 13)

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

The ministry

(from 16 October 2017)

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| Premier | The Hon. D. M. Andrews, MP |
| Deputy Premier, Minister for Education and Minister for Emergency Services | The Hon. J. A. Merlino, MP |
| Treasurer and Minister for Resources | The Hon. T. H. Pallas, MP |
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| 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 |
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| Special Minister of State | The Hon. G. Jennings, MLC |
| Minister for Consumer Affairs, Gaming and Liquor Regulation, and Minister for Local Government | The Hon. M. Kairouz, MP |
| Minister for Families and Children, Minister for Early Childhood Education and Minister for Youth Affairs | The Hon. J. Mikakos, MLC |
| Minister for Police and Minister for Water | The Hon. L. M. Neville, MP |
| Attorney-General and Minister for Racing | The Hon. M. P. Pakula, MP |
| Minister for Agriculture and Minister for Regional Development | The Hon. J. L. Pulford, MLC |
| Minister for Finance and Minister for Multicultural Affairs | The Hon. R. D. Scott, MP |
| Minister for Training and Skills, and Minister for Corrections | The Hon. G. A. Tierney, MLC |
| Minister for Planning | The Hon. R. W. Wynne, MP |
| Cabinet Secretary | Ms M. Thomas, MP |

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

Speaker

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

The Hon. TELMO LANGUILLER (to 25 February 2017)

Deputy Speaker

Ms J. MAREE EDWARDS (from 7 March 2017)

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

Acting Speakers

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

Leader of the Parliamentary Labor Party and Premier

The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier

The Hon. J. A. MERLINO

Leader of the Parliamentary Liberal Party and Leader of the Opposition

The Hon. M. J. GUY

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

The Hon. D. J. HODGETT

Leader of The Nationals

The Hon. P. L. WALSH

Deputy Leader of The Nationals

Ms S. RYAN

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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

| Member | District | Party | Member | District | Party |
|-----------------------------------|--------------------|--------------|----------------------------------------------------|------------------|--------------|
| Allan, Ms Jacinta Marie | Bendigo East | ALP | McLeish, Ms Lucinda Gaye | Eildon | LP |
| Andrews, Mr Daniel Michael | Mulgrave | ALP | Merlino, Mr James Anthony | Monbulk | ALP |
| Angus, Mr Neil Andrew Warwick | Forest Hill | LP | Morris, Mr David Charles | Mornington | LP |
| Asher, Ms Louise | Brighton | LP | Mulder, Mr Terence Wynn ² | Polwarth | LP |
| Battin, Mr Bradley William | Gembrook | LP | Naphthine, Dr Denis Vincent ³ | South-West Coast | LP |
| Blackwood, Mr Gary John | Narracan | LP | Nardella, Mr Donato Antonio ⁴ | Melton | Ind |
| Blandthorn, Ms Elizabeth Anne | Pascoe Vale | ALP | Neville, Ms Lisa Mary | Bellarine | ALP |
| Britnell, Ms Roma ¹ | South-West Coast | LP | Noonan, Mr Wade Matthew | Williamstown | ALP |
| Brooks, Mr Colin William | Bundoora | ALP | Northe, Mr Russell John ⁵ | Morwell | Ind |
| Bull, Mr Joshua Michael | Sunbury | ALP | O'Brien, Mr Daniel David ⁶ | Gippsland South | Nats |
| Bull, Mr Timothy Owen | Gippsland East | Nats | O'Brien, Mr Michael Anthony | Malvern | LP |
| Burgess, Mr Neale Ronald | Hastings | LP | Pakula, Mr Martin Philip | Keysborough | ALP |
| Carbines, Mr Anthony Richard | Ivanhoe | ALP | Pallas, Mr Timothy Hugh | Werribee | ALP |
| Carroll, Mr Benjamin Alan | Niddrie | ALP | Paynter, Mr Brian Francis | Bass | LP |
| Clark, Mr Robert William | Box Hill | LP | Pearson, Mr Daniel James | Essendon | ALP |
| Couzens, Ms Christine Anne | Geelong | ALP | Perera, Mr Jude | Cranbourne | ALP |
| Crisp, Mr Peter Laurence | Mildura | Nats | Pesutto, Mr John | Hawthorn | LP |
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| 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 |
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| 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 |
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| 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 |
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| 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 |
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| 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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Tuesday, 18 September 2018

The SPEAKER (Hon. Colin Brooks) took the chair at 12.03 p.m. and read the prayer.

ACKNOWLEDGEMENT OF COUNTRY

The SPEAKER (12:03) — We acknowledge the traditional Aboriginal owners of the land on which we are meeting. We pay our respects to them, their culture, their elders past, present and future, and elders from other communities who may be here today.

CONDOLENCES**Detective Senior Sergeant Victor Kostiuk**

The SPEAKER (12:03) — At the request of the Minister for Police, and I understand in consultation with the opposition, I intend to ask members to rise in their places to remember Detective Senior Sergeant Victor Kostiuk, who was tragically killed in Orbst last Friday.

Honourable members stood in their places.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS**Police resources**

Mr GUY (Leader of the Opposition) (12:05) — My question is to the Premier. Last week two Victoria Police officers were attacked by a 40-year-old Newport man when conducting a routine check. They were punched and kicked. The female officer sustained facial injuries and bruising, and the male officer sustained bruising, facial injuries and various sprains. If the police officers were armed with tasers, this man could have been stopped and these police officers would have been unharmed. Premier, given Police Association Victoria has called for their immediate deployment, why are you refusing to give police the 4000 tasers they clearly so desperately need?

Mr ANDREWS (Premier) (12:05) — I thank the Leader of the Opposition for his question. The first point I would make is that obviously very important changes to the criminal code are before the other place in relation to, I think, Australia's toughest penalties against those who injure members of our emergency services. That is a relevant point, a very important point and one being delivered by this government. Those opposite do not perhaps acknowledge that, but those reforms are being delivered by this government.

The incident that the Leader of the Opposition refers to was a terrible incident, but I would find fault with his conclusion. He has made a claim with some certainty on his part that things would or would not have happened or could or could not have happened, as if he had some absolute understanding of what was going on in that incident. I do not know that the Leader of the Opposition is in a position to be lecturing people with that degree of certainty or with —

Honourable members interjecting.

Mr ANDREWS — Well, here we go. You were there, were you?

Mr Guy — On a point of order, Speaker, on relevance, the question to the Premier was that given the police association has called for their immediate deployment, why hasn't the Premier responded to implement the 4000 tasers that police need to keep them safe? That was the question, and I ask you to bring him back to answering.

The SPEAKER — Order! The Premier had been responsive to the question but had started to debate the question. I ask the Premier to come back to answering the question.

Mr ANDREWS — Clearly the Leader of the Opposition has not read the media release that the police association issued last week in relation to tasers, but leave that to one side. The government will continue to take advice and take requests from Victoria Police, not from the opposition, when it comes to resources, technology, capability, equipment and recruit numbers. If it is all the same to the Leader of the Opposition, we will continue to respond and give to the Chief Commissioner of Police all that he seeks, not the Leader of the Opposition, who is a completely unqualified arbiter, if ever I saw one, of resources for police, given that when he sat around the cabinet table, police resources were cut.

Supplementary question

Mr GUY (Leader of the Opposition) (12:08) — Regional 24-hour police stations have now had access to tasers for several years following their funding by the Napthine government. Given the proven success of tasers in helping police to immobilise offenders without police having to resort to the use of a firearm, Premier, why did you stop the further rollout of this important tool to metropolitan police when you came to government four years ago?

Mr ANDREWS (Premier) (12:08) — The Leader of the Opposition refers to the previous government. I

think that task was actually left for us to roll out. I could be mistaken on that front, but regardless, I would simply reiterate the point I made in the answer to the substantive question. We will take our advice on the equipment that is necessary and on the equipment that is sought by Victoria Police from Victoria Police, not from the opposition who, when they had the chance, cut the police budget shamefully, doing nothing to support community safety or to fight crime.

Honourable members interjecting.

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

Ministers statements: TAFE funding

Mr ANDREWS (Premier) (12:09) — I am delighted to be able to update the house on the fact that this morning my honourable friend the Minister for Planning and member for Richmond, and our colleague the Minister for Training and Skills from the other place, were so, so pleased to be able to attend Melbourne Polytechnic's Collingwood campus to make a commitment for \$220 million in additional support for infrastructure, new buildings and new equipment — the best facilities for TAFE — in the event that we are successful at the election on 24 November.

Of course that was not a great surprise to anybody at the Melbourne Polytechnic Collingwood campus because, Speaker, as you would know, we took the padlocks off the gates at Greensborough and we took the padlocks off the gates out at Lilydale. In fact we have delivered on each and every one of the commitments that we made not just to repair the damage done by this lot to our TAFE system but to make TAFE better than it has ever been. That is why this year's budget had funding for extra courses, funding to make 30 priority courses completely free and funding to make 20 — in fact 18 and then it was boosted to 20 — preapprenticeship courses absolutely free.

Put that record in contrast with, say, closing 22 campuses and facilities. Put that record of investment in contrast to sacking 2400 teachers. There are some who support working people and the kids of working people to have the skills they need for the job they want, and then there are others who cut TAFE, and if they had the chance they would cut wages too. Working people will have a very clear choice to make on 24 November.

Energy policy

Mr M. O'BRIEN (Malvern) (12:11) — My question is to the Treasurer. Treasurer, I refer to the

government's reverse auction for new wind and solar farms, the results of which were announced last week. The *Herald Sun* has reported in relation to this auction —

An honourable member interjected.

Mr M. O'BRIEN — Yes, the *Herald Sun*:

Taxpayers to shell out up to \$350 million for Andrews's energy plan.

However, when asked, the government has refused to come clean with Victorians as to how much this plan could cost them. Treasurer, will you now be honest with Victorians and tell them what is the maximum amount that taxpayers could be required to shell out as a result of this deal?

Mr PALLAS (Treasurer) (12:12) — I do want to just clarify: there is a difference between an auction and an audition. I think what we just saw was an audition.

Honourable members interjecting.

Mr PALLAS — This government gave a commitment to Victorians that we were serious about providing them with an alternative to those opposite and their obsession with brown coal and gaseous power generation. We recognise that those are transition fuels, but importantly our commitment to renewable energies has borne fruit — borne fruit most notably through the active interest that we have seen through the reverse auction. The state —

Honourable members interjecting.

The SPEAKER — Order! People are shouting across the chamber too much. Members will be asked to leave the chamber if they keep doing that.

Mr PALLAS — This reverse auction has actually produced an outcome that the government had not anticipated — in fact something like 50 per cent more of generation or capacity as a consequence of these bids. So far as the government is concerned, these are arrangements under which we essentially underwrite a price, and therefore the price is not capable of being determined.

Honourable members interjecting.

The SPEAKER — Order! I have warned members about shouting across the chamber.

Mr M. O'Brien — On a point of order, Speaker, in relation to relevance, the question was: what is the maximum amount taxpayers could be required to shell

out as a result of this deal? Is the Treasurer seriously saying there is no limit to how much taxpayers are now on the hook?

The SPEAKER — Order! There is no point of order. The Treasurer is being responsive to the question.

Mr PALLAS — Obviously those opposite are not particularly interested in renewable energy. The fact that there is an underwriting on a spot price means that that will vary over time but the state has put in a cap to minimise its liability. So as far as Victorians are concerned —

The SPEAKER — The member for Ripon!

Mr PALLAS — they get more energy than they were expecting for the purposes of the allocated funds. The state of Victoria believes that this will put downward pressure on pricing and is in the best interests of all Victorians.

Mr M. O'Brien — On a point of order, Speaker, the question was about the financial exposure of Victorian taxpayers under this deal. I ask you to ask the Treasurer to come back to answering that question.

The SPEAKER — Order! The question was a very long question, and the Treasurer is being responsive. The Treasurer has concluded his answer.

Supplementary question

Mr M. O'BRIEN (Malvern) (12:16) — Treasurer, given you will not give a straight answer to the simple question of how much taxpayers are exposed to from this deal, will you deny that taxpayers could be required to pay out more than \$350 million from this deal — yes or no?

Mr PALLAS (Treasurer) (12:16) — I do not know what part of 'this is an underwriting around a spot price that may vary over time'. The state has capped its liability, and that is as far as I believe it is appropriate to publicly announce. What I can assure the member for Malvern —

The SPEAKER (12:16) — Order! The member for Ripon can leave the chamber for the period of 1 hour.

Honourable member for Ripon withdrew from chamber.

Mr PALLAS — is that the state of Victoria and the people of Victoria will get a much better outcome in terms of downward pressure on pricing as a consequence of these initiatives.

Mr M. O'Brien — On a point of order, Speaker, the Treasurer is debating the question. It is not up to him to say we get a better deal if he cannot tell us how much our exposure is.

The SPEAKER — The Treasurer is being responsive. The Treasurer has concluded his answer.

Ministers statements: tunnelling training centre

Mr MERLINO (Minister for Education) (12:17) — I rise to update the house on an Australian first — a tunnelling training centre in Melbourne which will train thousands of local workers to deliver the Andrews Labor government's record pipeline of transport projects, including the Suburban Rail Loop. The new \$16 million Victorian tunnelling centre will be built at Holmesglen's Chadstone campus to train local workers in underground construction and tunnelling. It will include a replica tunnel with a full-height entrance; three multipurpose engineering workrooms and training facilities, including a tunnel shaft and concrete lining spray simulators; as well as virtual reality experiences.

Just four years ago no tunnels were being built in Melbourne — four years of dithering by those opposite while Melbourne's population boomed. Now, because of our investments, tunnels and skilled workers to build them are needed on the Metro Tunnel, the West Gate tunnel and, if Labor is re-elected, north-east link, the Melbourne Airport rail link and the Suburban Rail Loop — thousands of local workers needing to be trained in tunnel boring machine operation and underground construction to meet this demand.

The centre will be open next year. Holmesglen will deliver existing and new courses at the tunnelling centre — certificate and diploma qualifications. By 2021 it is estimated that 5000 students and local workers will participate. We are ensuring that workers get the best training to get the best jobs, because when you shut down TAFE and fail to invest in critical infrastructure like those opposite, you are shutting down opportunity. We have seen today again that those opposite absolutely hate it when workers get the share that they deserve in our construction boom.

Solar homes package

Mr SOUTHWICK (Caulfield) (12:19) — My question is to the Minister for Energy, Environment and Climate Change. The Consumer Action Law Centre has highlighted the case of John, a 72-year-old aged pensioner from regional Victoria, who received an unsolicited visit from a solar retail representative. Despite telling the sales representative that he was not

interested in purchasing solar panels, the salesman let himself into John's home and refused to leave until he signed up to a \$9000 solar panel system on a financing plan which he could not afford. Minister, we have seen with the Rudd Labor government's pink batts scheme how schemes like this end. What guarantees can you give that thousands of Victorians will not end up with dodgy salespeople knocking on their doors or phoning them at all hours, trying to sign them up to solar panel deals that will leave them thousands of dollars worse off?

Honourable members interjecting.

The SPEAKER (12:20) — Order! The member for Frankston can leave the chamber for the period of 1 hour.

Honourable member for Frankston withdrew from chamber.

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) (12:21) — I thank the member for Caulfield for his question. To get a question from someone who has actually practised some type of scamming as an adjunct professor —

Honourable members interjecting.

The SPEAKER — Order! The minister will resume her seat. When the house comes to order, the manager of opposition business on a point of order.

Mr Clark — On a point of order, Speaker, the minister is in clear breach of standing order 118 about imputations. She is also being completely irrelevant to the important question that was asked of her, and I ask you to bring her back to answering the question.

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

Ms D'AMBROSIO — I am absolutely delighted to answer this question, because it is only our government that has a plan to help drive down power prices for ordinary Victorians. Those opposite might be a bit jealous about this announcement, but let me be absolutely clear. Our government has all of the designs in place to ensure that the rollout of the solar homes package under Solar Victoria has the highest level of integrity, with an approved list of accredited providers, so that Victorians can be absolutely confident that this scheme will be rolled out with the utmost integrity in place. We make it absolutely clear that if Victorians are being cold-called, they need to report that to the relevant agencies and report that to Solar Victoria. They absolutely can be confident that the Victorian

government's solar program initiative will not be cold-calling anyone.

Victorians can be absolutely confident that the scheme is designed to ensure that not only safety is first and foremost but the protection of ordinary consumers is at the top of the priority list also. If there is anybody, any member of Parliament, who has anyone come to them with a story of scammers knocking on their doors or cold-calling them, they ought to be doing them a favour and referring them to the correct authorities, whether it is Consumer Affairs Victoria or whether it is Solar Victoria, because these actions actually have to be stamped out. But I am absolutely delighted that we have had more than 12 000 people register their interest with Solar Victoria and we are starting to see those applications coming through, because at the end of the day Victorians can be confident that our scheme is well-designed and has got the utmost protections for consumers. Victorians are voting with their feet by their thousands on the website and applying for the rebate.

Supplementary question

Mr SOUTHWICK (Caulfield) (12:24) — An independent review has shown that less than 1 per cent of the 4000 to 5000 retailers in Australia are signatories to the Clean Energy Council's Solar Retailer Code of Conduct. Given your solar rebate scheme has opened the floodgates for dodgy operators, how will you ensure vulnerable Victorians will not be tricked or cheated into unsolicited, rip-off solar deals?

Honourable members interjecting.

The SPEAKER — Order! The member for Macedon! The member for Gembrook!

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) (12:24) — I thank the member for the supplementary question. Frankly, the member ought to be embarrassed by that question because it is not retailers that need to register for this scheme, it is actually providers and installers. Every Victorian can be absolutely confident that the rebates will only be made available to those that are fully accredited as providers and installers and the products are fully accredited by Solar Victoria.

Mr Southwick — On a point of order, Speaker, I ask you to bring the minister back to answering the question — that is, how can Victorians be protected by these types of schemes when there is meant to be a code of conduct that only 1 per cent of people have signed up to? Retailers are obviously sellers as well, or are you making that up as well? We ask you, Speaker, to bring

her back to answering the question of how we can ensure vulnerable consumers are not being ripped off.

The SPEAKER — The minister was responsive to the question. The minister has concluded her answer.

Ministers statements: government achievements

Mr CARROLL (Minister for Industry and Employment) (12:26) — I rise to update the house on how the Victorian economy is booming thanks to the Andrews Labor government's record investment in infrastructure, skills and training. Victoria's unemployment rate is the lowest it has been in seven years. The member for Warrandyte — there he is — should know too that youth unemployment is the lowest it has been in five years. Isn't that a good one for the tactical genius? Since 2014 the Victorian economy has grown by more than 370 000 jobs. Confidence is up. Investment is up. Manufacturing is up. The only other thing that is up is the Liberal Party headquarters — 104 Exhibition Street is up —

Mr Merlino — For sale.

Mr CARROLL — Yes, he has got his back to me. It is a capital city 1 zoning — no changes needed there.

Mr Merlino — No kitchen table required.

Mr CARROLL — No kitchen table required. It is good to see the member for Malvern is also up today. The party of WorkChoices is out there today having a go at the construction workers. We will stand with them — our more than \$50 billion of economic activity, supporting TAFE, 3500 apprentices getting their start, just like the member for Kew is getting his start on the other side. They are interested in one apprentice. We are interested in 3500, making new careers —

Mr Clark — On a point of order, Speaker, the minister seems to want to talk about anything but his portfolio —

Honourable members interjecting.

The SPEAKER (12:27) — Order! The member for Warrandyte can leave the chamber for the period of 1 hour.

Honourable member for Warrandyte withdrew from chamber.

Mr Clark — The minister seems to want to speak about anything but his portfolio responsibilities. I ask you to bring him back to compliance with sessional

orders and making a statement about matters relevant to his portfolio.

Honourable members interjecting.

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

Mr CARROLL — We will always put local jobs first. We will always put local businesses first. We are getting the job done — \$50 billion, the lowest unemployment rate in seven years, the lowest youth unemployment rate —

Honourable members interjecting.

The SPEAKER (12:28) — The member for Ferntree Gully can leave the chamber for the period of 1 hour.

Honourable member for Ferntree Gully withdrew from chamber.

Mr CARROLL — He calls me Potsie. I mean, seriously. At least Potsie had mates. I would not be quoting *Happy Days* if I were you. The only bloke that is happy is the member for Malvern because he is the only —

Honourable members interjecting.

Mr CARROLL — I would not be quoting *Happy Days* if I were you, mate. Get on there and purchase Exhibition Street.

Native forest logging

Ms THORPE (Northcote) (12:29) — The Greens' question today, in this final sitting week of Parliament, is for the Premier. Over the weekend I met with leaders of the Taungurung, Wurundjeri and Gunnai/Kurnai nations to discuss the future of our forests. At the meeting it became clear that none of the nations whose traditional lands cover the Central Highlands region have ever given permission for the Victorian government to log and sell our forests or to wipe out the Taungurung totem, the wollert — the Leadbeater's possum. These forests are our birthright and our legacy. We are the custodians of that land as the sovereign first peoples. Premier, with the treaty advancement process underway in Victoria, how can you continue to destroy and sell our Central Highlands forests without the free, prior and informed consent of the land's sovereign first people?

Mr ANDREWS (Premier) (12:30) — I thank the member for Northcote for her question. As I understand it, the government is engaged as we speak in traditional

owner settlement negotiations with the Taungurung people. I am not sure whether these issues will be on the table for discussion but that is an ongoing process and one of many such processes that we have been prepared and indeed willing and proud to enter into in a spirit of good faith. We have been able over these last four years to deliver sound outcomes both for Aboriginal Victoria and for the broader Victorian community.

In terms of the treaty process which the member asked me about, I can stand here very proud that we have taken I think the most profound steps towards treaty of any Parliament in our nation. That process will not be easy but, as the member I think has heard me say on many occasions, important work never is easy. We are committed to this process. I know there is a meeting of elders, a historic meeting of elders, coming up quite soon, later on this month.

Ms Hutchins interjected.

Mr ANDREWS — Next week in fact. My honourable friend, who is doing an absolutely fantastic job as the Minister for Aboriginal Affairs in our government, reminds me that it is next week, but never before. This is perhaps a commentary on how far we have come in just these last four years, but still we have a long way to travel. The fact that it will be a historic meeting of elders — it has never happened before — is a commentary on the fact that we should have got to this point a long time ago. We should have got to this point in terms of self-determination, justice for Aboriginal Victorians, a proper representative body for Aboriginal Victorians and a government that was prepared to take the bold steps towards not just lip-service to self-determination but actually giving the power back to Aboriginal Victorians.

I stand here with a degree of pride but at the same time in full acknowledgement that there is so much more we have to do.

Ms Thorpe — On a point of order, Speaker, the question was about free, informed, prior consent from the traditional owners where there is logging. I bring you back to answer the question on what permission has been granted to the Victorian government from the sovereign people of that country.

The SPEAKER — Order! The Premier is being responsive to the question. Part of the question was around the treaty process.

Mr ANDREWS — As I was about to make clear, I think all of us in this Parliament know that we do not yet have a treaty. That is why we have embarked upon a process to deliver that outcome. I am sure that

utilisation of natural resources as well as many, many other issues will be on the table and will be put forward by Aboriginal Victorians through the representative body and they will be in a proper negotiation framework. They will be dealt with in good faith and in good time. We do acknowledge that this has never happened before anywhere in our country but we will get this done. The very subject matter that the member for Northcote refers to will, I am sure, among many other issues form the basis of those good-faith negotiations and the historic treaty with Aboriginal people, delivered in this, the progressive capital of our nation, the critical thinking capital of our nation, the place where fairness means something.

Supplementary question

Ms THORPE (Northcote) (12:33) — Premier, it was an election promise, your pledge to work towards a consensus approach in the establishment of any new national parks via an industry task force. I note that traditional owners were not asked to sit on this task force; maybe that is why it failed. Meanwhile our trees are getting trashed and the fate of up to 79 forest-dependent species remains under threat. Here we are at the end of the 58th Parliament and you have the worst record on national park creation of any government for decades. Premier, according to the actions of your government, do you accept that your legacy will be as the Premier who oversaw the extinction of the Leadbeater's possum or the extinction Premier?

Mr ANDREWS (Premier) (12:34) — I do very much thank the member for Northcote for her question. The answer is no, I do not accept that. What I have grown used to is lectures and commentary from those who really have achieved nothing in this state — not a hospital bed, not a classroom, not a national park anywhere, not a protection, not one public transport service, not one nurse or teacher or firefighter or ambo and not one unit of public housing, but they are very, very good at cheap commentary from the cheap seats, where it is easy to be an expert on all matters —

Honourable members interjecting.

Ms Sandell — On a point of order, Speaker, the Premier is misleading the house. He is calling these the cheap seats. I believe the seat that the member for Northcote occupies was not cheap, I believe it cost the Labor Party over \$500 000.

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

Mr ANDREWS — I will pay that. Every dollar of it was declared. The Greens will not determine the legacy of anybody in this place and perhaps not even their own.

The SPEAKER (12:36) — Order! Before calling the Minister for Health on a minister's statement, I acknowledge in the gallery the presence of former Minister for Planning in this place, the Honourable Rob Maclellan.

Ministers statements: health workforce

Ms HENNESSY (Minister for Health) (12:36) — Whilst not as titillating, I do rise to update the house on some of the record job and training opportunities in the Victorian health sector. Health is a fantastic area to work in. It is one of the fastest growing sectors in the country, none more so than any other state than in Victoria. I am incredibly proud that since coming to office we have hired more than 4000 nurses in the Victorian health system. I think that sits in stark contrast with the experience under the previous government, where \$1 billion was cut out of the health system.

Of course this is not just about employment and jobs, it is about what we do with those jobs. It is about bringing great clinical care, compassion and support to people at a time of great vulnerability, and we are not done yet. We are of course very, very committed to continuing to improve things like the nurse and midwife-to-patient ratios, and we are committed to ensuring that we improve the quality of care in the Victorian health care system. In order to do that we have to invest in support and meet the additional demand for nurses and midwives, and we are investing more in those training opportunities.

A fantastic example of that is from next year, as part of our free TAFE commitments, eligible students will be able to undertake a diploma of nursing course for free, which means it is accessible for people. The diploma of nursing course is so important because that is the prerequisite qualification for the enrolled nurse course. Make no mistake about it: enrolled nurses are the backbone of our health system. We could not run our health system without them.

That free TAFE diploma of nursing will help build a pipeline of nursing careers for nurses and for our health system. We are going to help them even further with 400 places in statewide enrolled nurse graduate programs to provide graduates with on-the-ground training opportunities and support in their first year of

employment. Only Labor supports nurses, and we are going to continue to do so.

Drought assistance

Mr WALSH (Murray Plains) (12:38) — My question is to the Premier. Premier, your Minister for Agriculture visited East Gippsland last week and said East Gippsland had only been in drought for three weeks. Over the last 18 months, due to the lack of rain, farmers have spent a fortune on hay and grain and have been forced to destock, with some now carting water. Premier, your minister's claim is ridiculous. After four years in the job it is an insult to Gippsland farmers and the towns that have been suffering from drought for months that your government knows so little and cares even less about their plight. Premier, is it your government's official position that East Gippsland has only been in drought for three weeks?

Mr ANDREWS (Premier) (12:39) — I thank the Leader of The Nationals for his question. The definition I think as applied by this government and the previous government is unchanged —

An honourable member — As part of a national arrangement.

Mr ANDREWS — as part of a national arrangement, so I am not quite sure what the point of the contention put forward by the Leader of the National Party is. The definition was applied by this government and by the previous government against a national framework. The term is determined nationally. There has been no change. I am not quite sure what he is referring to.

What I can refer the Leader of the National Party to is the fact that the minister was in East Gippsland and acknowledged, as I do, the very significant, very difficult circumstances that farmers in that community and the community more broadly are facing due to a lack of rainfall. We have announced an initial response package — some \$5 million worth of support — that relates to mental health care, financial counselling, some on-farm infrastructure grants and some other elements of that package. If we need to do more into the future, we stand ready to do that. There is a very, very difficult set of circumstances in East Gippsland and in some parts of northern Victoria. I was in northern Victoria very recently, privately, and talking to a number of family friends and others. Things are very difficult in northern Victoria as well; we should not fail to recognise that as well.

If we need to do more against the definitions that were agreed to by the previous government, by our government and set at a national level, we stand ready to do that. Indeed our record has been to go above and beyond — above and beyond — those national frameworks with things like free child care, things like various rating concessions and a range of different incentives and supports we have put in place during these last four years, when, sadly some communities, particularly over in the north-west of the state, have dealt with very, very difficult conditions. Things are better now for them, but there are others that are in very, very difficult circumstances right now, and we need to respond appropriately, and the government has. If there is further work that needs to be done, then we stand ready to do that to support those primary producers and the communities who rely upon them, which is in fact every single Victorian.

Supplementary question

Mr WALSH (Murray Plains) (12:42) — Premier, drought-stricken farmers in East Gippsland are desperate to be issued with authority to control wildlife permits so they can control kangaroo populations that are eating what little stockfeed they have left. But your environment minister, like your agriculture minister, has so little understanding of these farmers that she has failed to resolve this issue despite repeated pleas. On behalf of East Gippsland's drought-stricken farmers, will you personally intervene to get farmers the authority to control wildlife permits they so desperately need?

Mr ANDREWS (Premier) (12:42) — What I will do is refer the Leader of the National Party to a proper, orderly process that began sometime ago that the minister for the environment and her department and agencies are focused on resolving as quickly as possible.

The SPEAKER — Order! The Premier will resume his seat. On a point of order, the Leader of The Nationals.

Ms Allan interjected.

The SPEAKER — Order! The Leader of the House will come to order. The Leader of The Nationals.

Ms Allan interjected.

The SPEAKER — The Leader of the House is warned.

Mr Walsh — On a point of order, on the issue of relevance, Speaker, the question was very specific

about the Premier personally intervening because his minister just will not resolve these issues. To have Gippsland farmers just referred back to the same person who will not resolve it does not answer the question. I ask you to bring him back to answering the question on behalf of those farmers who are so desperate.

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

Mr ANDREWS — What I was essentially doing was finding fault with the Leader of the National Party's characterisation of the minister. Whether it be the Minister for Agriculture or the minister for environment, he is in no place to be sitting in judgement of anybody. The former minister for mineral water over there, we will not be lectured. We will instead support farmers and we will not be involved in the grandstanding that the National Party are up to. We will instead support farmers each and every day.

Mr T. Bull — My point of order relates to relevance, Speaker. This issue was raised in here by me four weeks ago. It is an issue that relates purely to resourcing.

Ms Thomson interjected.

The SPEAKER — Order! The member for Footscray!

Mr T. Bull — Pick up the phone and put some more people on the job. For the Premier to stand there and go on with that waffle, the farmers want to know —

The SPEAKER — Order! What is the point of order?

Mr T. Bull — the answer so that it can be fixed overnight. On relevance, Speaker.

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

Mr ANDREWS — As I was saying, there is a process to be followed. It is being followed, and a resolution will be delivered as soon as is practicable. The grandstanding of those opposite is duly noted.

Ministers statements: employment

Mr DONNELLAN (Minister for Roads and Road Safety) (12:45) — I rise to update the house on the great work the Andrews government is doing through our road projects of training young people. Let us be very clear: the proudest thing that this government has done has very much been restoring TAFE to health after its near-death experience with the last

government. We know they had a great love for the guillotine and cut 22 campuses. I was very proud to hear the Premier this morning announcing another \$220 million to keep upgrading TAFE campuses, because we know that only Labor will back TAFE and only Labor backs TAFE students.

You have only got to look at the West Gate tunnel project and the work undertaken there: 6000 jobs will be created, but there are 500 jobs which are for apprentices, trainees and graduates under the Victorian Major Projects Skills Guarantee. We know that the Victoria University Polytechnic in Sunshine will be undertaking extensive training for those young people for the West Gate tunnel project. You have only got to look at the work that is also going on in the outer suburban road upgrades, another 4200 jobs; or the north-east link, for argument's sake, another 10 000 jobs.

Very much on this side of the house we are running a jobs factory. One widget after another widget after another widget — 370 000 jobs since we came to government. I think that is something we should be proud of — a 3.3 per cent growth rate, the fastest in the country. What could be the alternatives? You could cut wages. You could cut jobs. You could take the guillotine out. But that is not what we are doing. We want to see that growth.

If you are a young Lib, what would be your favourite job? Your favourite job when you grow up might be a lumberjack, like the O'Toole family of Gippsland, where you could learn how to cut services, cut TAFE and cut those things that Victorians so much need.

CONSTITUENCY QUESTIONS

Mr Katos — On a point of order, Speaker, I have a constituency question to the Minister for Police that remains unanswered — constituency question 14 787, asked on 9 August. It is an important question about additional police resources for the Geelong region and also about putting protective services officers on the Moorabool Street bus interchange, and I ask that you direct the minister to answer that question.

The SPEAKER — I thank the member for that point of order. I will contact the minister in relation to that matter.

Ms Kealy — On a point of order, Speaker, I also have an unanswered constituency question. My question was asked on 9 August — question 14 781 to the Minister for Energy, Environment and Climate Change regarding the gas monopoly which Wimmera

residents face. We are also seeing skyrocketing gas prices. I have even just received an email today, in the last hour, around this issue. It is a key issue for my electorate, and I ask the minister to get onto this as soon as possible.

The SPEAKER — I thank the member for raising that point of order, and I will follow that matter up.

Bayswater electorate

Ms VICTORIA (Bayswater) (12:48) — (14 976) My question is to the Minister for Emergency Services. When will the proposed future site of the Knox emergency services be announced and when will the dedicated volunteers who work there be informed about this decision? The volunteers have been told their lease on the current site at 102 Lewis Road, Boronia, will not be renewed after 2020. These men and women are rightfully concerned as it has now been two years since they were told they would have to move out. They want to ensure that service delivery will not be affected and would like some certainty as to where they will be relocated. The Knox community and these volunteers deserve some respect and of course to be consulted on their needs and preferred location, after two years of silence from the Andrews Labor government.

Yuroke electorate

Ms SPENCE (Yuroke) (12:49) — (14 977) My constituency question is to the Minister for Industry and Employment. How has the Andrews Labor government supported local jobs in the Yuroke electorate throughout this term of government? I know the minister has worked very hard to make sure that Victorians have every opportunity to get the job they want. We have seen this work pay off, with the most recent statistics showing the unemployment rate hitting a seven-year low of 4.8 per cent — a massive improvement on the 6.8 per cent unemployment rate inherited from the previous Liberal-National government. I would like to thank the minister for all of his work in this area, and I look forward to his response.

Lowan electorate

Ms KEALY (Lowan) (12:50) — (14 978) My constituency question is to the Minister for Public Transport. Residents of Serviceton and district would like to know when the dangerous rail level crossing on Serviceton Road leading from the Western Highway to the community of Serviceton will be upgraded. We have heard a lot from Labor regarding level crossing removals in Melbourne, but we have not seen any action when it comes to fixing dangerous rail crossings

in country Victoria. As is the case with many rail crossings along the western Victorian rail line, the Serviceton crossing has no warning lights and no boom gates; the sole warning sign is unlit and during heavy fog the tracks and any oncoming trains are impossible to see. A number of trees have been planted along the track which also impede the view of drivers when they are checking if there are any oncoming trains. Therefore I ask the minister: when will the Serviceton crossing and similar dangerous rail crossings in my country electorate be upgraded?

Williamstown electorate

Mr NOONAN (Williamstown) (12:51) — (14 979) My question is for the Minister for Education, and it relates to Williamstown North Primary School, one of those schools which is experiencing enormous pressure in relation to growing enrolments and, I suppose, placing some challenges there for the school's leadership. That is why the minister's recent announcement to install a new double-storey portable at the school has been received with welcome arms. Given that wonderful news, my question to the minister is simply: when will that double-storey portable be installed on site?

South-West Coast electorate

Ms BRITNELL (South-West Coast) (12:51) — (14 980) My constituency question is for the Minister for Education, and I ask: what will the unspent \$4 million in budget allocations to the Warrnambool Special Developmental School build be used for? Minister, this week the school launched a \$1 million fundraising campaign to raise money for items like the construction of a gymnasium, a school oval and a playground — things I would have assumed to be standard in a new school build. It seems unreasonable that the school community is being forced to raise \$1 million for basic equipment when budget papers show there is \$4 million in remaining expenditure from the two budget allocations you were forced into providing on the back of community outrage. There is at least \$735 000 left over from the first budget allocation because the land was purchased cheaper than the \$5 million allocated — even that \$735 000 would help. Minister, I ask: what will the remaining \$4 million be spent on?

Pascoe Vale electorate

Ms BLANDTHORN (Pascoe Vale) (12:52) — (14 981) My constituency question is for the Minister for Public Transport, and the question I ask is: what funding opportunities might be available to upgrade the

Merlynston station car park? This car park has been in very poor condition for some time. It is a gravel car park. Gravel is regularly redistributed along it, but it is not a sealed car park. It does need to be a sealed car park: there are lots of potholes in it. It is causing damage to people's vehicles, their bikes and certainly their footwear as they try and trudge to the station. It has also become a regular dumping ground for rubbish, and construction rubbish in particular. So I ask the minister: what opportunities might be available to upgrade the Merlynston station car park?

Shepparton electorate

Ms SHEED (Shepparton) (12:53) — (14 982) My constituency question is for the Minister for Health. Minister, I have spoken many times in this place about the pressing need for appropriate cancer treatment services in the Shepparton district. Today I would like to use my last question to ask the minister: will you commit to a comprehensive cancer centre with onsite oncology, radiotherapy and wellness services for our community? I am constantly confronted with stories from people in my electorate who struggle to access radiotherapy therapy services when they fall sick. Last Friday I met with three constituents in Tatura who spoke of the immense challenge of driving to Bendigo for treatment, the toll it took on their health and the burden it places on their carers. Statistics show that distance from services is often a deciding factor in whether people actually choose to take on the treatment that they need. People in so many other regional centres now have full access to a full range of cancer services. People in my electorate deserve the same opportunity.

Broadmeadows electorate

Mr McGUIRE (Broadmeadows) (12:54) — (14 983) My constituency question is to the Minister for Training and Skills in the other place and goes to what we can do on apprenticeships and how they specifically relate directly to the constituents that I represent. We have got the apprenticeships; we want to make sure we can actually connect the opportunities, the jobs and the skills. What information can the minister provide to make sure that that pipeline is connected? Melbourne is developing into the largest city in the country. It is predicted to become the largest within 30 years and grow to \$8 million by 2051. Victoria is Australia's fastest growing state — we are driving the AAA-rated economy and we are providing record investments, surpluses and an unprecedented pipeline of infrastructure.

Polwarth electorate

Mr RIORDAN (Polwarth) (12:55) — (14 984) My question is to the Minister for Police. Can the minister tell the people of Polwarth what changes she will make to the law around fatal hit-and-run cases, where the perpetrators are allowed to keep their licences while the court process drags on, sometimes for years. In October 2017 the life of young Tyler Dean was cut short by a hit-and-run driver who failed to stop and render assistance. Nearly 12 months later the court process is still underway, and the laws in Victoria, which cancel licences for dangerous acts of drink driving, allow a person without qualification or reason to maintain their drivers licence. In small communities, which have to sometimes deal with tragic accidents like this, this knowledge that the law allows hit-and-run drivers to keep driving does not seem to fit with the government's desire to reach a zero road toll. The Dean family, led by mum Jeynelle, has given the minister and VicRoads a petition with over 32 000 signatures on it, highlighting how seriously the community view this crime.

Yan Yean electorate

Ms GREEN (Yan Yean) (12:56) — (14 985) My constituency question is to the Minister for Families and Children in the other place, and it concerns the Andrews Labor government's record investment in expanding Victoria's neighbourhood house network. I ask: when will the minister make a decision on the application by Mernda Community House for funding through the neighbourhood house coordination program?

This year's budget provided \$21.8 million for neighbourhood houses, and my electorate has already reaped the benefits with the Whittlesea Community House seeing their hours boosted to 25 hours per week. Further, all neighbourhood houses in Yan Yean will benefit through increased support to the North East Neighbourhood House Network and the Goulburn North East Association of Community Centres Network to improve access to key services and activities. As part of this record boost — almost eight times as much as what was provided by the former Liberal government — the minister opened applications for funding for new or unfunded neighbourhood houses. I am very supportive of the application by the Mernda neighbourhood house.

RULINGS BY THE CHAIR

Questions without notice

The SPEAKER (12:57) — Order! Last sitting Thursday the manager of opposition business took a

point of order about the responsiveness of the Premier's answers to the second substantive and supplementary questions asked by the Leader of the Opposition. Having reviewed the transcript I consider the answers to be responsive. I remind members of a previous ruling by Speaker Lindell in relation to the preambles of questions forming part of the question.

INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

The SPEAKER (12:57) — I wish to advise that on 13 September 2018, I administered to Kathryn Elizabeth Miller, the deputy commissioner of the Independent Broad-based Anti-corruption Commission, the oath required by section 31 of the Independent Broad-based Anti-corruption Commission Act 2011.

PETITIONS

Following petitions presented to house:

Bairnsdale Secondary College

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the Legislative Assembly of Victoria the need for a bipartisan commitment to have stage two of Bairnsdale Secondary College upgrades funded as a matter of priority.

By Mr T. BULL (Gippsland East) (291 signatures).

Wire rope barriers

To the Legislative Assembly of Victoria:

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

While not opposed to wire rope barriers in the appropriate locations, the petitioners request that the Andrews Labor government immediately halt its blanket rollout of wire rope barriers until these safety concerns have been addressed and a more strategic approach for barrier placement is adopted.

By Mr T. BULL (Gippsland East) (36 signatures).

Commercial fishing licences

To the Legislative Assembly of Victoria:

With Victoria already importing at least 75 per cent of its seafood, this petition calls on the Victorian Parliament to not enforce any further compulsory buyouts of commercial fishing licences in this state against the will of those who hold a commercial licence, and that any buyout schemes put in place be voluntary only. We believe that all Victorians deserve the right to access fresh Victorian sustainable seafood.

By Mr T. BULL (Gippsland East) (554 signatures).

Rochester ambulance services

To the Legislative Assembly of Victoria:

The petition of constituents in the rural communities of Rochester and district draws the attention of the house to a recent reduction of ambulance service level in Rochester with the cessation of a two-officer crew trial back to a single-crew model without community consultation.

The petitioners therefore request the Andrews Labor government take immediate steps in consultation with the community to review the level of ambulance service in Rochester.

By Mr WALSH (Murray Plains) (34 signatures).

Sandringham College

To the Legislative Assembly of Victoria:

The petition of the residents of Sandringham and surrounding areas draws to the attention of the house that a majority of the buildings and facilities which comprise the two campuses of Sandringham College have fallen into such a state of disrepair as to be unsafe and irredeemable. Our students and staff deserve better. The petitioners therefore request that the Legislative Assembly of Victoria provide funds of \$47 million for the rebuilding of the structures and facilities on both campuses (\$20 million for the Bluff Road campus and \$27 million for the Holloway Road campus), providing an active, healthy, safe school with a strong contemporary learning environment.

By Mr THOMPSON (Sandringham) (3158 signatures).

Tabled.

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

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE**End-of-term report**

Mr PEARSON (Essendon), by leave, presented report, together with appendices.

Tabled.

Ordered to be published.

LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE**Crimes Amendment (Unlicensed Drivers) Bill 2018**

Mr HOWARD (Buninyong) presented report, together with appendices and transcripts of evidence.

Tabled.

Ordered that report and appendices be published.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE**Budget estimates 2018–19**

Mr PEARSON (Essendon) presented report, together with appendix, minority report and transcripts of evidence.

Tabled.

Ordered that report, appendix and minority report be published.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE**Alert Digest No. 14**

Ms BLANDTHORN (Pascoe Vale) presented *Alert Digest No. 14 of 2018* on:

Corrections Amendment (Adult Parole Board) Bill 2018

Crimes and Sentencing Amendment (Bus Drivers) Bill 2018

together with appendices.

Tabled.

Ordered to be published.

DOCUMENTS

Tabled by Acting Clerk:

Interpretation of Legislation Act 1984 — Notices under s 32(3)(a)(iii) in relation to:

Statutory Rules 103 (*Gazette G33, 16 August 2018*),
118 (*Gazette G37, 13 September 2018*)

Waste Management Policy (Combustible Recyclable and Waste Materials) (*Gazette G37, 13 September 2018*)

Ombudsman — Investigation of three protected disclosure complaints regarding Bendigo South East College — Ordered to be published

Statutory Rules under the following Acts:

Child Wellbeing and Safety Act 2005 — SR 119

Livestock Disease Control Act 1994 — SR 118

Road Safety Act 1986 — SR 120

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 116, 118, 120

Documents under s 16B in relation to the *Transport (Compliance and Miscellaneous) Act 1983* — Specification of Railway Stations for the Purposes of the Definition of 'Compulsory Ticket Area'.

The following proclamations fixing operative dates were tabled by the Acting Clerk in accordance with an order of the house dated 24 February 2015:

Children Legislation Amendment (Information Sharing) Act 2018 — Part 2 (except ss 10, 13 and 14), Part 3 (except s 16), and Division 3 of Part 5 — 27 September 2018 (*Gazette S405, 4 September 2018*)

Parks Victoria Act 2018 — Whole Act — 12 September 2018 (*Gazette S386, 21 August 2018*)

Racing Amendment (Integrity and Disciplinary Structures) Act 2018 — Whole Act (except s 6 and Parts 3, 5 and 6) — 1 September 2018 (*Gazette S400, 28 August 2018*).

ROYAL ASSENT

Messages read advising royal assent to:

11 September

Prevention of Family Violence Bill 2018

Victims and Other Legislation Amendment Bill 2018

18 September

Electricity Safety Amendment (Electrical Equipment Safety Scheme) Bill 2018

Long Service Benefits Portability Bill 2018

Residential Tenancies Amendment Bill 2018.

NOTICES OF MOTION

Notices of motion given.

BUSINESS OF THE HOUSE

Program

Ms ALLAN (Minister for Public Transport) (13:05) — I am very pleased to be at the point of the government business program motion on our program for today, our third-last sitting day of the year and of the term of this Parliament. I am pleased to present for the Assembly's support the final government business program for the 58th Parliament.

It is with great hope that I put this motion to the house. I had better read it out first. I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 5.00 p.m. on Thursday, 20 September 2018:

Essential Services Commission (Governance, Procedural and Administrative Improvements) Amendment Bill 2018

Mineral Resources (Sustainable Development) Amendment Bill 2018

Open Courts and Other Acts Amendment Bill 2018

Sale of Land Amendment Bill 2018.

As I said, this is the final government business program to be moved for the 58th Parliament. As always I look forward with optimism to support from members of the chamber for the government business program, a copy of which they have in their hands.

There are four bills on our government business program for the course of this week, demonstrating that the Andrews Labor government is working right up until the very last sitting day, with important bills to be considered and debated by the chamber, recognising of course that it is unlikely that these bills will see passage through the Legislative Council as they are also concluding their sittings this week. However, the policy areas that these bills consider give very clear direction of the government's intention, should there be an opportunity at a future stage for these bills to be considered.

As the house will have noted, I have just given notice of two motions, one to facilitate the holding of valedictory speeches on Thursday. There are 13 members of the Assembly who have indicated that they will be retiring at the end of this term of Parliament. As is appropriate, as has been done before and as has been undertaken with the cooperation of colleagues, this will be an appropriate opportunity for those retiring members to mark their period of service to the house. We all look forward to Thursday being an opportunity to reflect on

their contributions and indeed no doubt our own contribution over the course of this term and other terms for those who have served longer than that.

Also there is a motion with regard to the rebroadcasting of material. This is a sessional order that has been in place for a little while now, and we are moving to formalise that sessional order by placing it into standing orders. This is particularly to help facilitate some of the functions the Parliament needs to undertake during the caretaker period in order to support the ongoing operation of rebroadcasting. I understand members are quite fond of having the capacity to have their speeches rebroadcast. I perhaps will not be rebroadcasting this contribution today.

In rounding out, I would like the house to note that we have seen around 260 bills pass through the Assembly over the past four years. We have gone at a pretty good click when you consider that over that period of time the Parliament has also done other things obviously. There has been time taken to appropriately hear from representatives of the family violence sector and victims of family violence, who addressed this chamber for I think around half a day. There were some very long debates, most notably the voluntary assisted dying debate. Indeed an entire sitting week was devoted to consideration of that legislation. There has been a lot that has been canvassed over this parliamentary term.

So it is with those comments that I look to my colleagues, mostly on the other side, and ask them to give it a go: give this government business program a go. I know there have been differences in the past. I know there are other things they would like to consider, but in the final week I, with optimism, hope to see that there is support for what is a good business program. There is a lot to talk about, and most appropriately at the end of the week we will give our retiring colleagues a great send-off. I hope that this government business program finds support from colleagues in the chamber.

Mr CLARK (Box Hill) (13:10) — I am sure the Leader of the House expects to be disappointed by the opposition's response. I can confirm that we will in fact be opposing the government business program because there is unfinished business. Much as the government may seek to run away from it, we are now in the final sitting week of this Parliament, according to the government's plans, and yet if the government has its way, this house will be dissolved without having dealt with that great scandal that continues to hang over our heads — namely, the failure to hold to account our former Speaker and former Deputy Speaker for the very serious allegations of misfeasance in office that hang over them.

Mr Pearson interjected.

Mr CLARK — The member for Essendon interjects, and I am sure he will complain at length if he gets to his feet about my repetition of the same theme, but the fact remains that this house should be dealing with these serious matters and the government is failing to allow this house to do so. We will go down in the records of Westminster parliaments as one of the most shameful and debased in the way in which we have not upheld the standards that should be observed by any Westminster parliament that seeks to claim the credit of that name.

Time and time again whenever allegations such as these have arisen, these serious transgressions have been alleged, the house has taken responsibility for the conduct of its members. We have seen it in the Westminster Parliament, where they acted, despite the attempts of some of their rotting members to invoke the courts to try to stop police investigations. The Parliament took responsibility, as well as the police carrying out their duties, yet the government here tries to have its cake and eat it too — tries to assert exclusive cognisance over these matters to the exclusion of Victoria Police and then will not exercise any cognisance whatsoever — and that is an absolute disgrace.

It is clear the police do have jurisdiction in relation to criminal conduct by members of Parliament, as the UK Supreme Court upheld in the Chaytor case, and yet this house has responsibility also for the conduct of its members, as we saw was done properly in relation to the allegations against the former member for Frankston, when those on the Labor side of politics were eloquent in asserting the need of the house to do things and when the government of the day, the Liberal-Nationals government of the day, agreed with that and acted on it.

The member for Essendon no doubt might get to his feet and tell us about Publius Clodius Pulcher and the achievements of the old Roman Republic, and I suggest he might brush up on his Latin pronunciation on the way through, but I would prefer to stick to the precedent of Cato the Elder in insisting and continuing to insist. But what we on this side of the house are insisting on is not destruction but justice — justice in terms of holding to account the member for Melton and the member for Tarneit, having the evidence investigated by an appropriate committee of this house and a report made, and the house acting on its findings. That is what should be happening. That is what should be on the government program. That is what we will continue to persist in arguing.

In terms of the content of the program, the government has four bills, and they will each be considered in their turn and on their merits. The government is also appropriately proposing to set aside time for valedictory remarks, and I express appreciation to the Leader of the House for the way in which we have been able to collaborate to establish a program and time lines for that to occur. We are also going to consider a proposal to incorporate some of our sessional orders into standing orders, and again, subject to looking closely at the wording of that motion, I expect that may well command general support. So the program itself can be judged on its merits.

I note the Leader of the House waxed eloquent about the government's achievements, yet one thing they have failed to do is to honour their promise to make consideration in detail of bills a standard part of the procedure of this house. They now have no further time to redeem that, but we should still deal with the unfinished business of the accountability of roting members, and for that reason we oppose this government business program.

Mr CARBINES (Ivanhoe) (13:16) — I am pleased to support the government business program. As the Leader of the House has indicated, perhaps some of the bills this week, those four bills that have been touched on, will not be concluded by the Council; it is concluding its deliberations this week also. But the point made by the member for Bendigo East when she talked about some 260 bills having been passed by this place really does, I think, go to the heart of affirming the confidence and the trust that the Victorian people have given to our government these past four years to get on with the task of leading and governing this state. To pass some 260 bills in this house alone I think stands the test of time against any record of previous governments in relation to the work that we have been able to do.

I too would like to just acknowledge the motion by the Leader of the Government in relation to those valedictory speeches and the reflections of some 13 members of this house who have had the opportunity and good fortune to choose the timing of their departure. The time that you first seek to nominate for Parliament is often as important as the time — if you get to do so — you choose to leave. I think that is something that they will reflect on in their contributions, and I give all credit to those across the chamber who have the opportunity to do that and who take the time to reflect on, and to put on the record for all time in this place the efforts and contributions that they have been able to make. We certainly look forward to hearing from them over the course of the week.

Just touching on the broadcast opportunities that have been provided to members of this place, particularly around social media, some of us have relied on others to perhaps upload those contributions, but we have certainly been able to make them in this place. I am certainly thankful for the opportunity that the Presiding Officers, the House Committee and others have provided to do that and thanks to the broadcast team at Parliament. I think the motion on those matters from the Leader of the Government is a salient point that is made. It is certainly, I think, an added value to have the engagement of people in the community with the work that we do in this place.

The manager of opposition business has touched on a couple of points. He feels perhaps that the government has not been accountable in relation to matters that we were not able to cover. I am disappointed we do not have the consideration-in-detail stats from the past four years. I would have liked to have referenced those in my contribution. Alas, I have not had the time to pull those together, but I am familiar with many. Moving the cattle out of national parks was a particular bill that we went into consideration in detail on early in our term, which I certainly enjoyed participating in.

When it comes to accountability we are all in this place to be held accountable on 24 November for our work, or lack thereof, in this place and for our commitment and passion in this place, or lack thereof, just as we were four years ago. Those of us who can recall being in this place previously might remember when the previous government lost two votes in this place through their own fault, with their own lawmakers not being present in this chamber to deliver on their duties and responsibilities to the people of Victoria. Some of us can recall those times. That is not something that has happened during the four years of our term in office. We have delivered, with 260 bills passing in this place. I recall being in opposition when it was only our members who were in this place during the activities of that Parliament when those who claimed to be the government presiding over those matters departed this chamber and left only the opposition in this house.

Much has changed in these past four years, and there will be much to reflect on over the course of the week. I am looking forward to the contributions of those who have been here for many years and those who have been here for a shorter time and the reflections that they will make in their contributions. I think that it is a credit to the work that we have done as a Parliament to pass that number of bills over the course of four years. It will be for the people of Victoria to determine who is responsible for affirming and representing them in the future, but I think we have made a very strong start and

have established a foundation with the work that our government has done to deliver on our commitments to the Victorian people. I commend the business program to the house.

Mr HIBBINS (Pahran) (13:21) — In speaking to the business program I note that the bills on the business program this week will obviously be debated and voted on this week but will not be passed by the upper house. I do not want to do my colleagues in, but if there were some bills that we wanted to pass, I am sure they would be happy to come back for an extra sitting week between now and election time, if there is anything important that needs to pass. Of course there is a big backlog of bills in the upper house as well that needs to be gotten through this week — importantly, the midwives bill. There could be some important improvements and amendments to that bill if it was brought on in a timely fashion in the other place.

Even though we will not be supporting the government business program, I did want to end, with the indulgence of the house, on more of a positive note. In noting that with the bills on the program the Leader of the House wants to show the government's intent or set their agenda, I just came up with a bit of a list of bills that could have been voted on in this term of Parliament. Perhaps they would like to put them on the agenda and perhaps we could vote on them and pass them. Certainly the Greens will be pushing for them — if we are back here — to be debated and voted on next week. We could have had the freedom of information exemption removed from the Alcoa power plant to give the residents of Portland some certainty around that particular issue. Of course the Greens brought that into this chamber, but it was voted down. We could have legislated energy efficiency in rental homes. We could have removed the exemptions from the Equal Opportunity Act 2010 that allow for discrimination against LGBTI people.

Mr Pearson — On a point of order, Deputy Speaker, as much as it pains me and I am loath to interrupt the member for Prahran in his contribution, this is the debate on this week's government business program. It does not provide members an opportunity to riff large about various legislation they would like to have seen introduced in the Parliament, so I would encourage you to bring the member back to the motion moved by the Leader of the House.

Mr HIBBINS — On the point of order, Deputy Speaker, it has often been a wideranging debate often in here, and I am seeking your indulgence given the wideranging nature of the debate that often takes place.

The DEPUTY SPEAKER — There is generally a wideranging debate on the government business program, and as this is the last government business program for this term of the Parliament, I will indulge the member for Prahran. However, I do ask that he come back to speaking to the government business program.

Mr HIBBINS — I was merely drawing attention to the fact that there are a range of actions — I note that 260 pieces of legislation have been passed, and members have referred to that in the debate — and there are also several pieces of legislation that could be done in the future. I would say that we could end the wood pulp agreement and create the great forest national park, ban sow stalls and battery cages, end duck shooting and of course, my favourite —

Ms Allan — On a point of order, Deputy Speaker, in support of my colleague the member for Essendon and the point of order he made before, yes, the government business program allows some lateral conversations about other things that are on the notice paper. Unless the member for Prahran can point to where those items that he is referring to are on the notice paper, I would suggest he needs to come back to the motion, which is about the government business program that is before the house.

The DEPUTY SPEAKER — The member for Prahran has deviated somewhat from the government business program. I do ask him to come back to speaking to the government business program.

Mr HIBBINS — Well, that is disappointing. I thought I would end on a bit of a positive note, a bit of a forward-looking, futuristic note as opposed to litigating the issues of the past, but unfortunately the government does not want to see that. The Greens are forward focused. We are focused on the future. The government might want to discuss its record — the 260 bills that have passed — but certainly there is so much more to do in this state and so many bills to be brought on in this state, and we are focused on the future. It is unfortunate that the government does not want to hear that in this place.

Mr McGUIRE (Broadmeadows) (13:25) — It has been a privilege to serve in Victoria's 58th Parliament, and you can see just how hardworking this government has been. It has passed 260 bills and it is driving reform at a critical time in our history and for our future development. Victoria is Australia's fastest growing state. Melbourne is predicted to become the nation's largest city within 30 years and to grow to 8 million people by 2051. Driving a AAA-rated

economy has provided record investment, surpluses and an unprecedented pipeline of infrastructure to reimagine Melbourne and spread opportunities throughout the great state of Victoria. This has been reflected in the government business program right throughout this term.

Again, what we are bringing into today's debate is a whole series of reforms that need to be undertaken for economic reasons, for social reasons and for reasons of justice. I do actually want to go to the Open Courts and Other Acts Amendment Bill 2018, which overhauls Victoria's suppression orders. This has been a contentious issue for some time. A review was conducted by a former Court of Appeal judge, Frank Vincent, QC, who has served with distinction not only on the bench but also the Parliament, not just through the review that he has done on this piece of legislation but also with the informed insight that he provided for the *Betrayal of Trust* report. I know that everybody who was part of that acknowledged Frank's great contribution over time. This is a particular issue that shows the government is committed to ensuring that our courts are open and transparent, and that the law protects the public's right to information. That is where that stands. It reinforces presumption in favour of open justice and the disclosure of information in Victorian courts. That is an important matter, because that has become contentious over a long period of time on why there were so many suppression orders, particularly in Victoria. That is part of another reform.

We also have other bills. The Mineral Resources (Sustainable Development) Amendment Bill 2018 fulfils the recommendations of the Hazelwood mine fire inquiry rehabilitation report relating to the rehabilitation and closure of licensed mines. Again, this is the government working side by side with communities, particularly in the Latrobe Valley, on mine rehabilitation and improving the health and wellbeing of current and future generations. This is another response to a major investigation and particularly to the calamity that occurred in the Latrobe Valley. This is another part of the big-picture strategy of this government and how different issues are addressed. Then there is the Sale of Land Amendment Bill 2018, which implements the key results of a public review of Victoria's sale of land and business legislation undertaken as part of the government's broader consumer property law review.

The fourth piece of legislation is the Essential Services Commission (Governance, Procedural and Administrative Improvements) Amendment Bill 2018. This bill changes and improves the operation of the Essential Services Commission Act 2001 and the

Essential Services Commission, and implements the government's response to the review of that act.

As the 58th Parliament draws to a close, these are critical issues that the government is again addressing. It is part of the big picture that this government has painted and that the community has embraced, which also shows where ordinary people fit into this, with a whole range of reforms that have been done right through education and TAFE and everything to give people a better opportunity in life. We will have valedictory speeches, and that is important. I wish everybody well for their future and those who are recontesting. I think it is important that we have those speeches.

I note that the Leader of the House talked about the voluntary assisted dying legislation. As fate would have it, I was the last one up on the adjournment on that day and I made the point that, as a single malt man in a soy latte time, I wanted an extension. That did not get the round of applause that I may have been looking for, but it makes the point that it has been an incredibly hardworking Parliament.

Mr CRISP (Mildura) (13:30) — I rise to speak on behalf of The Nationals on the government business program. I notice there are four bills on the program this week: the Mineral Resources (Sustainable Development) Amendment Bill 2018, the Sale of Land Amendment Bill 2018, the Essential Services Commission (Governance, Procedural and Administrative Improvements) Amendment Bill 2018 and the Open Courts and Other Acts Amendment Bill 2018. There will be some interesting debate on these bills, even though we all know that they will not see the light of day in the upper house.

I, too, want to support those who have spoken about the valedictory speeches that will be made by 13 members in the house, four of whom are from the opposition, being the member for Brighton, the member for Nepean, the member for Sandringham and the member for Evelyn, all of whom have made substantial contributions to the people of Victoria in their time in this house.

Also, we are going to be changing our sessional orders to standing orders in regard to the broadcast and rebroadcast of parliamentary proceedings. This is something that I think is moving with the times, as we very much need to. Increasingly we are living in a world where people, through their devices, want to catch up with what is important to them later but not necessarily at the time of those contributions.

However, there is one thing that does hang over this house, and it has hung over this house for quite some time. I would like to support the points made by the manager of opposition business. There is the matter of the behaviour of the former Speaker and former Deputy Speaker, and this should have been dealt with. It casts a shadow over the performance of this Parliament, and as time goes on, we will not be remembered for the things that we want to be remembered for during a Parliament. We will be remembered for this difficult period.

The house should have taken responsibility for the actions of those members. This is the final place where we have to be accountable. A process should have been followed to deliver what would have been an appropriate process and outcomes needed to show that this Parliament can in fact not only act as the responsible body for all of Victoria but also be responsible to itself.

It has been a difficult time. Like others, we have had our ups and downs with various bills, but I think our actions here in not dealing with this matter will unfortunately create a precedent going into the future. What we have failed to do now, as far as setting standards goes, means that today's minimum becomes tomorrow's maximum in standards. That is something I did not want the 58th Parliament to be remembered for. With that, The Nationals, in coalition, are not supporting the government business program.

Ms SHEED (Shepparton) (*By leave*) (13:33) — I seek to speak on the government business program. Like other speakers, it is disappointing at this late stage to have to continue to rise to oppose the government business program for all the reasons already stated. The unfortunate issue of not having dealt with the behaviour of the former Speaker and former Deputy Speaker that arose during the course of this Parliament remains hanging over the Parliament, but so do a number of other things. I must say, as someone who has always held the courts, the Parliament and our institutions in high regard, it has been disappointing to see a number of instances during the course of this Parliament that really have brought the Parliament into disrepute.

I think early on, when we saw an upper house member resign — Damian Drum — and a considerable delay in filling that position, it was disappointing to see. People of northern Victoria were without an upper house member for quite a long time. Then of course when someone was nominated there was a very long delay in allowing that member to take his position in the Parliament. That came along with the period when the Special Minister of State had been suspended from the upper house for an inordinate length of time — six

months; not heard of in the Westminster system, as I understand it — under very unusual circumstances.

Since that time we have not had a meeting of the Standing Orders Committee, a committee that I happily sat on. It is very disappointing to think that so many of the issues that were on the agenda for that Standing Orders Committee have been bypassed over the last two years. I hope that we would not see that happen again. We have seen a notice on the notice paper calling for a parliamentary integrity adviser, and don't we need one. There have been so many things happen, particularly during the last two years, that perhaps put us in a position where we would not see instances of that sort of behaviour occur were there such a position created, were there such a person to provide frank and fearless advice to members of Parliament about what they can and cannot do. It is very disappointing that that has not progressed.

There have been 260 bills pass through the Assembly and there are four more on the government business program this week, all of which need debate. With the valedictory speeches, I am very much looking forward to hearing some of them. There have been long and amazing contributions by many people. I look forward to the member for Brighton's valedictory speech. Similarly, from others who are retiring there will be a lot for those of us who have simply been here for one term to learn, to hear what they have to say about Parliament. They have had years of experience to reflect on this Parliament and perhaps the previous one, which I think also had features of turmoil and perhaps a lack of regard for parliamentary conventions.

I put on notice that, should I be re-elected and should I hold the balance of power, I have a long list of conventions and behaviours that I would seek to put on the table for Parliament to adhere to in the future, because the people of Victoria have expectations of people who sit in this place. They have been disregarded and debased in many ways during this time, even though some amazing things have happened. The Royal Commission into Family Violence is something that was really sorely needed, and it is an absolute credit to the government for it to have stood up and done what they have done during these four years in relation to family violence. I believe we will see the rewards of that over a very long period, because it takes a long time for people to change their behaviours. It is certainly a credit to the government in that regard.

We are nearing an election, and although I oppose the government business program on this occasion yet again, it is symbolic in a way because it is the people of Victoria who will decide on how we have behaved, on

how we should behave and on who they think should be in this Parliament.

House divided on motion:

Ayes, 44

| | |
|-----------------|----------------|
| Allan, Ms | Knight, Ms |
| Andrews, Mr | Languiller, Mr |
| Blandthorn, Ms | 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 |
| Garrett, Ms | Scott, Mr |
| Graley, Ms | Spence, Ms |
| Green, Ms | Staikos, Mr |
| Halfpenny, Ms | Suleyman, Ms |
| Hennessy, Ms | Thomas, Ms |
| Howard, Mr | Thomson, Ms |
| Hutchins, Ms | Ward, Ms |
| Kairouz, Ms | Williams, Ms |
| Kilkenny, Ms | Wynne, Mr |

Noes, 42

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

Motion agreed to.

MEMBERS STATEMENTS

Detective Senior Sergeant Victor Kostiuk

Mr CLARK (Box Hill) (13:44) — On behalf of my colleague Edward O'Donohue, the shadow Minister for Police; the Leader of the Parliamentary Liberal Party; and all my Liberal and Nationals colleagues, and I expect on behalf of all members of this house, I express

our deepest condolences on the tragic death last week of Detective Senior Sergeant Victor Kostiuk.

Detective Senior Sergeant Kostiuk was participating in the Wall to Wall ride to the National Police Memorial in Canberra with around 300 other riders to remember fallen officers when a car allegedly veered across the road and struck his motorcycle near Orbost at Cabbage Tree Creek along the Princes Highway in Mount Raymond Regional Park. Detective Senior Sergeant Kostiuk and his son, Detective Senior Constable Felix Kostiuk, had been riding together out ahead of the main group of riders when it is alleged that the car veered onto the opposite side of the road at about 2.20 p.m., striking Detective Senior Sergeant Kostiuk's motorcycle.

The loss of a highly respected member of Victoria Police is tragic at any time, but the loss of Detective Senior Sergeant Vic Kostiuk hits home even more to the Victoria Police family and the wider community because he was participating in an event to remember fallen police members who had been killed in the line of duty. As Acting Chief Commissioner Shane Patton observed, the loss of one such as he has struck at the heart of the force. On behalf of all parliamentary colleagues, I extend our deepest sympathies to Detective Senior Sergeant Victor Kostiuk's family and loved ones, particularly his wife, Pauline, and son, Felix, together with his friends and his Victoria Police colleagues at this very sad time.

Detective Senior Sergeant Victor Kostiuk

Ms NEVILLE (Minister for Police) (13:45) — I rise to pay tribute to Detective Senior Sergeant Victor Kostiuk, who died tragically on Friday while participating in the annual Wall to Wall Ride for Remembrance. My deepest sympathy is with his son, Detective Senior Constable Felix Kostiuk, who was with him on the ride, and his wife, retired Superintendent Pauline Kostiuk. I spoke with Pauline last night to offer the condolences of the government at this very sad time and to acknowledge the significant contribution Vic made in his work with Victoria Police.

Detective Senior Sergeant Vic Kostiuk was a career policeman of some 39 years, having commenced his rich and distinguished career in 1979 working in general duties uniform positions at Frankston and St Kilda. He worked in a range of roles, including criminal investigations; the homicide squad, where he handled many family violence related murders; organised crime; and the tactical response squad. In 2010 he commenced working in the area of family violence and continued in this critical area, recently

being employed as the officer in charge of the Somerville family violence investigation unit. He was instrumental in changing the focus of how Victoria Police manage family violence. He established a new model, the Alexis — Family Violence Response Model, which at its core has a victim-centric approach, supporting victims and assisting families.

Vic will be a great loss to the highest levels of Victoria Police, his family and friends. We honour his life. He was a proud, committed family man, dedicated to his job. I know I speak for all members of this Parliament in offering our sincere sympathy to Pauline and Felix and their extended family, all his work colleagues and his many friends.

Drought assistance

Mr T. BULL (Gippsland East) (13:47) — Last week we had the Minister for Agriculture visit our region in East Gippsland. This was followed up by a visit from the shadow minister as well. Whilst well received to get some attention in our neck of the woods, it was very disappointing that the agriculture minister commented on ABC radio that we had only been in drought for three weeks. Our farmers have been experiencing hardship for well over 18 months, and that was a slap in the face to the many on the land who are going through this very traumatic experience at the moment that worsens every week when we do not get rain. What we need now is for the leaders of our respective parties to come down to East Gippsland and see what it is like on the ground and to talk to these people on the ground who are experiencing this hardship. I call on the Premier and the Leader of the Opposition to come down and visit our region and understand the prospect of what these people are facing.

Victorian Patient Transport Assistance Scheme

Mr T. BULL — I also want to talk briefly about the Victorian Patient Transport Assistance Scheme, which offers subsidies to those who have to travel for specialist treatment. One group in Orbost, the Snowy Flamingos Cancer Support Group, has stated that they have members who have incurred over \$15 000 in out-of-pocket expenses because they are 95 kilometres away from that specialist and there is a 100-kilometre cut-off. I call on the minister to review this criteria so that it takes into account some of the challenges of our country patients.

Government achievements

Mr PEARSON (Essendon) (13:48) — I am delighted to stand in this place not only as a member of

the Andrews Labor government, but a member of the Labor movement. Deputy Speaker, in four years we have accomplished so much. We sought to come here and not merely stop the coalition from trashing the state and the economy, we came here to build a better society on behalf of the Labor movement.

We have invested in our schools and brought back funding to support the most vulnerable and disadvantaged children. We are investing in building the critical infrastructure that is required to ensure that regardless of where people live they can take a secure job in the CBD if they choose to do so. We will have none of the nonsense from those opposite that seek to lock out and exclude people from the new economy jobs based upon their parents' bank balance or their postcode.

We are investing in rebuilding public housing estates so that public housing tenants can live in modern, 21st-century, energy efficient housing. Not long after I was first elected, a little boy in my community nearly lost his finger because an open window fell on his hand in the walk-up flats at Flemington. Why should this be allowed to happen, and why would the Liberals and the Greens oppose us in seeking to rebuild these estates?

We are investing in employment programs to ensure that members of our African-Australian communities have the opportunity to get a job. Rather than demonising these communities, we are working with their community leaders and young people to ensure that they have the very best opportunities in life. We are making social procurement an important component of our major projects. This is not a tick-and-flick exercise; this is an opportunity to ensure that the economic value generated from these major projects is shared across the broader economy.

I came to this place to get things done on behalf of my community and as a member of the Labor movement. Regardless of the outcome of the election in November, the movement will continue because we remain steadfast and resolute in ensuring that working people have the opportunity to lead dignified and meaningful lives.

Warrandyte electorate funding

Mr R. SMITH (Warrandyte) (13:50) — In my final members statement for this Parliament I would like the house to note that this nasty, rorting government has delivered very little to the electorate of Warrandyte over the past four years. This government claims to govern for all, but the reality is far different. This government and the permanently angry Premier

Andrews pick and choose those Victorians they will support, and if you are not one of Labor's mates then you are on your own.

In sharp contrast an elected Matthew Guy-led government will not ignore my residents. Already we have committed funding to support many groups in my electorate, including the Park Orchards Sharks, with \$500 000 going towards the redevelopment of their clubrooms; the Wonga Park Wizards Junior Football Club, which will receive \$80 000 for upgrades to the lighting on their home ground; \$40 000 for the Doncaster East Football Club to upgrade lighting; and Doncare, a fantastic not-for-profit community service provider that will receive \$1.7 million to help them look after vulnerable people in my community. Local schools that have seen no support from this spiteful Labor government will benefit from funding, including Wonga Park Primary School, Donvale Primary School and Warrandyte High School. There will be more funding announcements in the coming weeks.

For a government that claim they are delivering for all Victorians, the Warrandyte electorate has only received \$2.5 million of funding over four years under this Labor government. Compare this to the list I have just read out, as I said, with more to be announced. The choice could not be clearer for my community on 24 November: to continue with a crooked, grubby, rotting government which rots from the head down, or to support a Liberal-Nationals coalition government that is actually committed to supporting my community.

Mordialloc electorate education funding

Mr RICHARDSON (Mordialloc) (13:51) — Last week we made a fantastic announcement at Parkdale Secondary College: \$9.6 million will be delivered to build extensive classrooms and redevelop that site that has stood for decades and supported students in my local community. To talk about where governments put which eggs in their basket is really important, because it talks to their priorities. The priorities that governments set are very key to the priorities that they will put forward into the future.

When you think about education and the investment in my local community it has been significant. I think about Yarrabah School that we are completely rebuilding brick by brick from the ground up. It is a school that supports the specialist needs of hundreds of students. That school was forgotten for decades, but now we see that school rebuild get underway, which shows the values that we place on education. Mordialloc College is delivering their first stage, and recently — two months ago — we looked at them

joining the Premier to commit to their second stage. That will be so very fantastic.

You might only get one term in this place to make a difference and do something in your community, and the time that you have got shows the values and priorities you put forward. In education, in our kinders and in our TAFEs, we have put Victorian students first in my local community. We have made a difference that will set up these schools, kinders and TAFEs for the future, for decades to come. Hopefully we get the honour to represent that community again and deliver more very important projects.

Glen Park Community Centre

Ms VICTORIA (Bayswater) (13:53) — Glen Park Community Centre deserve huge congratulations on becoming the overall winner of the Victorian Learn Local Awards for the eastern metropolitan region. It is a fabulous achievement. Well done to Heidi Butler-Moore and the team.

Boronia West Primary School

Ms VICTORIA — Last week I was thoroughly entertained by Boronia West Primary School's version of *Shrek: The Musical*. What a funny and enthusiastic bunch of children who gave it their absolute all. Well done to everyone involved, including some of the main performers: Tiana Wadsworth, Connor Kreemers, Ashleigh Burrows, Talia Lamers, Jordyn Morris, Jamie Fitzgerald and Hannah O'Brien, as well as the three talented sisters who played Princess Fiona — Bianca, Isabell and Karley Hooper Ford. Of course the entire cast and crew were ably led by the one and only Yarny Triandafilidis, Mr T.

Boronia Hawks Football Club

Ms VICTORIA — A massive congratulations to all the guys from the Boronia Hawks Football Club who over the weekend produced an amazing trifecta of premierships in division 3 of the Eastern Football League. A big shout-out to the players, coaches and support crew of the under-19s, reserves and seniors from your number one ticketholder. Well done to chairman, Kristan Wood, and his team of men and women who work tirelessly behind the scenes to make this a truly welcoming and successful club.

Angela Wheelton

Ms VICTORIA — My sincerest congratulations to the amazing Angela Wheelton on her investiture in the Order of Australia and the order of St John of Jerusalem recently. Along with her husband, Paul

Wheelton, AM, KSJ, Angela is one of Australia's quiet achievers in the world of philanthropy. Humble and kind, this couple are true treasures, and our society is made much richer by their generosity both here and overseas.

Country Fire Authority Craigieburn brigade

Ms SPENCE (Yuroke) (13:54) — I would like to congratulate the members of the Craigieburn Country Fire Authority (CFA) who were honoured at the annual awards night on 8 September. The national medal was presented to Brendan Morris; CFA life member service medals went to first lieutenant Chris Gray and third lieutenant Luke Symeoy; a 40-year service medal went to Tom Rolls; the 15-year service medal recipients were senior station officer (SSO) Shaun Pacher and station officer John Zuccarelli; the 10-year service medal recipients were Tom Winter, Trent Warren and Andrew Bell; the 5-year certificate recipient was Steve Lewis; the firefighter of the year 2018 was awarded to both Tom Winter and Lisa English; the officers award went to Olivia Povolito; the encouragement award recipient was William Dawson; the volunteer recognition award also went to Lisa English; and the staff appreciation award recipient was SSO Peter Spicer.

Congratulations to these recipients and a collective thank you to all members of the Craigieburn CFA. You do a terrific job protecting people and property in our community, and your service is greatly appreciated.

Team Yuroke

Ms SPENCE — As this will be my final members statement in the current Parliament I would also like to thank my electorate officers and others who have been a great support to me since the last election. To Paul Caruso, Ryan Moore, Gursewak Singh, Joshua Sfregola, Alicia Cassar and Chelsea Sharpe, thank you for your support in the electorate office. I also thank those who have helped out along the way, whether for a long time, like Justin Barbour and Casey Nunn, or for last-minute replacement call-ups, like Aniela Kociuba and Helen Patsikatheodorou.

To Declan McGonigle, thank you for your support in my parliamentary secretary role. Thank you to all who have helped out volunteering: Josh Peell, Theo Mavromatakis, Natasha Chand, Brianna Stanley and many others. And to my ALP family — branch presidents Spiro Pastras and Cheryl Woods and other executive and branch members — thank you to you all. Collectively you make up Team Yuroke, and it has been terrific working with all of you.

Horsham Table Tennis Association

Ms KEALY (Lowan) (13:56) — Recently the Horsham Table Tennis Association took the bold step of purchasing a new property. The Horsham Table Tennis Association have long been in premises at the pastoral and agricultural society, the show site. They shared it with a shearing shed, so often there were times when it did not smell so great in there. So the table tennis association had this idea of taking the matter into their own hands and buying a property.

Recently they were told that the commissioner of state revenue had made a decision not to waive the stamp duty on the purchase of this property. The Horsham Table Tennis Association do an enormous amount of community work. They have run a fantastic program for people with disabilities for a very long period of time. The amount they put into the community should be rewarded. This is money that could otherwise be used to upgrade their facilities and provide a more expanded program. Therefore I ask the Treasurer to review this decision by the commissioner of state revenue and to waive the stamp duty for the purchase of this property.

Western Victoria roads

Ms KEALY — Roads in western Victoria are continuing to get worse and worse under this Labor government, which can only focus on the city and city roads. We have heard a lot of talk, but when it comes down to it, people who live in western Victoria know that the potholes are increasing and the sides of the roads are crumbling. They are not getting better. We need to fix country roads and save country lives. I really do not want to see another email like I received recently, where somebody had to divert around a large pothole, which ran them off the road on the Western Highway. People should not put their lives at risk on —

The DEPUTY SPEAKER — The member for Bentleigh.

Bentleigh Secondary College

Mr STAIKOS (Bentleigh) (13:57) — Last week I saw Bentleigh Secondary College's amazing production of *We Will Rock You*. Congratulations to Joel Nankervis, Jessie Pirret, Cece Tsan, Jordyn Wallace, Ester Rubino, Sebastian Wescombe, Lucas Petropoulos, Jack Blight, Abby Miles, Andii Box, Tom Edema, Nik Floros, Brendan Guy, Braydn Morisi, Luka Munro, Rishika Naik, Jasmine Sanchez-Butt, Roxy Hellwege, Matthew Yianni, Madeline Clift, Grace Docherty, Ashleigh Fitzsimon, Lachlan Hardy, Ruby

Hartley, Tess Harvey, Emily Hastings, Jamie Jacobson, Caleb Jarcevic, Gem Kapoyanis, Hudson Kuhnell, Madison Kuhnell, Sophia Lambas, Danae Melzer, Oscar Munro, Olivia Murphy, Jack Murphy Downs, Holly Pirret, Corina Pope, Isabella Qazi, Ebony Rae Mann, April Simmons, Daniella Stolyarsky, Emily Tasker, Tuviksha Tejavath, Tommy Thorman, Bianka Tsan, Hannah Tyrell, Tommy Valentini, Marisia Zapantis, Leanne Zyntek, Shayna Wescombe, Chrissy Bonikos, Jesse Dann, Louise Davis, Christiana Malotsis, Emma North, Annabelle Stimpson, Sonia Broch, Lachlan Brown, Joseph Folwell, Sophie Lawson, Kiri Nikolitsis, Sharni Watts, Angie Wright, Kara Haw, Alyssa Kyri-Ovenden, Rania Pappas, Zoe Robinson, Lilli Vafiades, Jasmine Ashby, Ella Boyes, Stephanie Fischer, Aimee Kay, Tia Lambas, Zoe Marshall, Kelly Murphy, Evie Pappas, Cecily Pope, Cece Rickards, Mia Toomey and Leyla Watts.

Melissa Ferguson

Mr NORTHE (Morwell) (13:59) — I would like to congratulate the founder and CEO of Gippsland Farmer Relief Incorporated, Melissa Ferguson, who has been working tirelessly to support our local farmers in need. Gippsland Farmer Relief Incorporated is a community support and service group that Melissa started in 2016 from her own home, providing practical assistance to Gippsland farming families such as food and groceries as well as referrals to counselling services. This passionate young innovator was recently awarded a 2018 Victorian Premier's Volunteer Champions Impact Award for her enormous contribution to her community. Congratulations, Melissa.

North Gippsland Football Netball League

Mr NORTHE — At the recent annual North Gippsland Football Netball League's grand final dinner it was pleasing to see both Mark Answerth and Alanna Diamond inducted into the hall of fame, as it was to see Jackie Bond awarded a life membership. All three have been incredibly passionate and dedicated people as players and administrators for a long period of time, and therefore the accolades they received are extremely well deserved. Well done, Jackie, Mark and Alanna.

Bev Lorraine

Mr NORTHE — On a more sombre note, I wish to pass on my best wishes to Bev Lorraine, an 83-year-old Morwell resident who is well known for her contribution to our community in a variety of ways. Bev was last week severely assaulted in her own home by a cowardly, despicable piece of scum. Bev, please know

you have the love and support of our local community, and we wish you all the best in your recovery.

Jack Strong

Mr NORTHE — On Monday hundreds of local mourners celebrated the life of 19-year-old Jack Strong. Jack tragically took his own life, and given he was such a popular young man in our community his loss has been felt right across the community. To Katrina, Matt, Peter and Paula, our sincere condolences to you all at such a difficult time.

Carer support

Ms WILLIAMS (Dandenong) (14:00) — I rise to acknowledge the incredible dedication of Victoria's 736 000 carers and to draw attention to Labor's commitment to better support unpaid carers across our state.

I come from a family of carers, and through my role as Parliamentary Secretary for Carers and Volunteers I meet with carers regularly. These are amazing people who too often go unrecognised. The reality is that being a carer can take a heavy toll — physical, emotional, financial and mental. One in five carers gives up work to care for someone, carers tend to have lower household incomes and they are 40 per cent more likely to have a chronic health condition — often ignoring their own health while caring for a loved one. Young carers, who are often sibling carers or children of parents with health challenges, can struggle at school and are more likely to leave the education system early.

The Andrews government's recently released carer strategy, done in consultation with carers around the state, highlights all these challenges and maps a better path of support, which is why I am so proud to have been a part of Labor's announcement last week that we will fund an additional 100 000 hours of respite each year to give carers the break they need and will broaden out the eligibility for that respite to include mental health carers. We will also create two \$2 million funds to support carer peer support groups, which we know are a lifeline for so many carers across our state. We are also committed to half-price travel on public transport for carers, and we have committed to greater support for young carers in school to ensure their life trajectory is not negatively impacted by their caring responsibilities.

This whole package amounts to about \$50 million of much-deserved investment. I am very proud that this government is committing to supporting our carers.

Infrastructure projects

Mr MORRIS (Mornington) (14:02) — Victorians awoke this morning to reports that Labor's much-hyped major projects are being used as a stalking horse to push up the cost of construction in this state. Site allowances are payable for the West Gate tunnel project at \$8.90 an hour and for Melbourne Metro at \$9.20 an hour. Both amounts are totally out of line with private sector sites across Melbourne. It is not just those site allowances, it was also reported that a large component of overtime, paid at double time, has been built into the base rate.

Unfortunately, these tactics are not confined to just these major projects. The Frankston station redevelopment, scheduled to be completed by the politically convenient date of November 2018, apparently has not been going too well. First there were the bus bays that were too small for buses, then the new bus stops built at vast distances from the station with no protection from the elements en route. Now we have a project that is apparently way behind time. I have received a reliable report that last Sunday there were at least 100 workers on the site but yesterday, which just happened to be a rostered day off, there were half a dozen. What site allowances and conditions were built into these agreements that would lead to such a situation?

Failed major projects and massive budget blow-outs are familiar territory for Labor. Remember the desalination project, remember the Myki fiasco, remember the cancellation of the east-west link that was not going to cost a cent but finished up costing \$1.3 billion. Yes, we need these major projects, yes, we need them managed, but we need them delivered in a cost-efficient manner with value for money for all Victorians. Unfortunately that is something this Premier and this government just do not understand.

Indian community

Mr DIMOPOULOS (Oakleigh) (14:03) — This is a government that supports multicultural communities. On Saturday the Premier visited Sankat Mochan Samiti in Huntingdale for their 10th anniversary. That is 10 years of giving back to our community. The Monash region is home to one of the largest Indian-Australian populations in Australia. The Premier announced \$550 000 to establish a multipurpose centre for the Indian community in Monash and also promised that a re-elected Labor government would provide an additional \$500 000 to get it done — that is over \$1 million.

Caloola Reserve, Oakleigh

Mr DIMOPOULOS — Caloola Reserve in Oakleigh is home to fantastic sports clubs like the Monash City Football Club, the Oakleigh Tennis Club and the East Oakleigh Cricket Club, but the pavilion has long passed its use-by date. Last week one of Victoria's champions of local sport, the Minister for Sport, came to Caloola to announce \$800 000 to build a brand-new pavilion in partnership with the Monash council. This building will make a huge difference to local clubs and our wider community.

Oakleigh Bowling Club

Mr DIMOPOULOS — I recently had the pleasure of rolling the jack to kick off the season at the Oakleigh Bowling Club. What was more pleasing was to help unveil the brand-new covered decking area — a collaboration between our government, the bowling club and the incredible Murrumbeena Community Bank, who do so much for local sports in my community.

Felicitations

Mr DIMOPOULOS — As we approach the end of the 58th Parliament I would like to place on record my appreciation to the attendants, the Hansard staff, the committee staff, the library staff, the catering staff and all the staff around Parliament. They are exceptional. Without you, Parliament just would not function. Thank you.

Electricity prices

Mr WELLS (Rowville) (14:05) — This statement condemns the terrible state of Victoria's power sector, which is seeing a spike in power disconnections, bill shock and supply issues. Despite Victoria's world-class coal and natural gas reserves, the state government's mismanagement of the energy sector is hitting everyday Victorians. Victorians are reeling as they receive huge winter energy bills as a result of Labor's botched energy policies. One lady in my electorate, a pensioner, was in tears discussing her quarterly \$3700 electricity bill. Luckily her family stepped in to help. Unfortunately over winter her solar panels had not accrued a single cent of credit — so much for renewables.

For the second time in August 69 businesses in my electorate missed a day of work, losing wages and interrupting the manufacturing and supply chains, due to planned maintenance which was cancelled at the last minute. This means delays until the maintenance can be completed. AusNet Services have denied businesses

any compensation for their losses. The Minister for Energy, Environment and Climate Change has not even replied to their complaints, let alone to mine.

The number of Victorians who were disconnected from essential services jumped a huge 25 per cent in the winter quarter, the most difficult time to be without heating, light and hot water. Electricity disconnections have gone up by more than 82 per cent since December 2017. Labor's failure to keep electricity prices under control means more and more Victorians are unable to afford life's basics.

Carrum Downs Junior Football Club

Ms KILKENNY (Carrum) (14:06) — Congratulations to Carrum Downs Junior Football Club (CDJFC) for another great season. With standing room only, hundreds packed our brand-new Carrum Downs community pavilion for presentation day on Sunday. How fitting that presentation day marked the first official event to take place in the brand-new Carrum Downs pavilion. This wonderful new facility for Carrum Downs was jointly funded by Frankston council and the Andrews Labor government with a contribution from the football club. We are seeing investment in Carrum Downs to build the things that the local community can use, enjoy and be proud of. The new pavilion will also be home to Carrum Downs Auskick. The energy and sense of community from all those involved in Auskick will now resonate in these awesome new facilities. The Southern United Football Club, which plays in the Victorian Women's National Premier League, will also join the list of clubs calling the pavilion home.

Congratulations to Rodney Garwood for achieving life membership of the Carrum Downs Junior Football Club. Rodney has made an extraordinary contribution to the club and to the local community. Congratulations also to all the players and volunteers, coaches, umpires and supporters who make CDJFC so special.

Ebony Booth, who was runner-up in the best and fairest in the under 11s, deserves a special mention. Being the only girl in her team and just one of a handful of girls at the club, this is an awesome achievement. I know that Ebony and other female players are such great role models for so many other girls who are looking to play local footy. They will be strong ambassadors in helping to boost the number of girls and young women playing with the club. Congratulations to the Carrum Downs Junior Football Club for their active role in promoting female participation. This is a true community club.

Portsea beach

Mr DIXON (Nepean) (14:08) — I first raised the disappearance of Portsea beach following the dredging of Port Phillip Bay over 10 years ago. The community, local council and I rightly condemned this government's recent plan to permanently remove the beach by replacing it with a rock wall. We were all pleased to hear of the government's backflip on this plan last week when they announced that they would put the rock wall on hold pending further investigations of alternative plans. I am confident that a sustainable option can be found that will restore the beach and at the same time stop further erosion.

Drug law reform

Mr DIXON — On another matter, as a member of the Law Reform, Road and Community Safety Committee I am extremely disappointed that the government has refused to respond to our recent investigation into drug law reform. The massive amount of work put in by the committee members, secretariat and the over 200 groups and individuals who made submissions to or attended hearings of the inquiry deserve more than a list of government activity. This was an appalling cop-out by the government which is more intent on surviving than making the hard decisions that come with being a government.

Mornington Peninsula roads

Mr DIXON — Finally I noticed last week a number of government media releases on the so-called road maintenance blitz. It was disappointing to note that once again the Mornington Peninsula was left out of any road construction or maintenance funding by this government.

Moorabool mobile library van

Mr HOWARD (Buninyong) (14:09) — Last Friday I was pleased to join members of the Moorabool community to celebrate the completion of the upgrade of Moorabool's mobile library van. The upgrade includes provision of a disability access ramp, new bookshelves, internet access, video screens, solar panels and a great new look. Many more Moorabool communities can now access library services when the van comes to visit aged-care facilities, rural schools, festivals and shopping precincts. The Andrews Labor government partnered with Moorabool shire to fund the fit-out of the van.

Warrenheip sporting facilities

Mr HOWARD — On Saturday I visited Warrenheip to open two new multi-sport hardcourts lined for basketball, netball and tennis. With growing numbers of juniors, women and girls signing up to play grassroots sport, it is important for people in all of our small communities to have access to great facilities. One hundred thousand dollars was provided by the Andrews Labor government to support the City of Ballarat, Warrenheip Tennis Club and Tennis Australia in bringing this project to fruition.

Mount Clear College

Mr HOWARD — Great news for Mount Clear College when the Deputy Premier visited yesterday to announce that a re-elected Andrews government will invest \$5.5 million to continue our major transformation of the school. This funding will upgrade the school's art, music, drama and science facilities, and it adds to the \$5.4 million that we have delivered to upgrade Mount Clear College this term. Yesterday we were able to see progress on the school's nearly completed technology wing. This adds to the great funding announcement made by the Minister for Training and Skills when she visited Federation University TAFE last week.

Mount Fyans wind farm

Mr RIORDAN (Polwarth) (14:10) — Over 400 people gathered at the Mortlake Soldiers Memorial Hall last night to again call on the government to bring some strategic and environmental planning to the wind farm rollout in western Victoria. The community has learnt that no environment effects statement has been requested for the latest development at the Mount Fyans wind project being developed by Woolnorth Wind Farms. The Premier was happy to make wind farm announcements in other parts of the state for political purposes, but will not front the people of Mortlake who will bear the costs of the 40 per cent renewable program by 2025. Locals, landscapes and wild animals have a right to be protected from this new cashed-up industry. These are long-term decisions that require considered thought and care, and country communities need to be a part of the planning process.

Gerangamete groundwater

Mr RIORDAN — I will present in this last sitting week a petition signed by people from across the Barwon River catchment area, who for nearly two decades have been campaigning to protect the natural water resources of the Otway region. During the 2007

millennial drought in particular and at other times Barwon Water and the City of Greater Geelong have relied heavily on the pumping of underground water from the Gerangamete bore field. The unsustainable mining of water from this region has had a detrimental effect on a wide ecosystem. There is now irrefutable evidence that the Gerangamete peat bog, Boundary Creek and the upper reaches of the Barwon River have suffered, with the exposure of acid sulphate soils, acid water and fish kills. Other streams and waterways have also felt the effect of damaged springs and run-off. The community has welcomed Barwon Water's ceasing pumping but now very strongly petition the government to cut the entitlements to this resource and to rule out the use of this bore field while other water options exist.

Rosanna Golf Links Primary School

Mr CARBINES (Ivanhoe) (14:12) — This morning I was very pleased to join the Deputy Premier and Minister for Education at the official opening of the \$6.39 million redevelopment of Rosanna Golf Links Primary School. We were joined by 527 students, including the senior concert band members, conducted by Aaron Vreulink, school council president Matthew Oates, principal Kelly Morrow and student leaders Dylan Starmans and Elise Black. Our special guests included the inspiring Professor Graeme Clark, AC, who opened the upgraded deaf facility. Professor Clark's discoveries led to the first multichannel cochlear implant to bring hearing and speech effectively and safely to severely and profoundly deaf children across the world.

My thanks to those parents who worked so hard on Sunday at the working bee to ensure our school was looking its best this morning. Thanks also to the parents, teachers and friends association for their work raising funds for the two synthetic basketball courts. It is always a team effort at Rosanna Golf Links Primary School. To the teaching and support staff: our children are in great hands.

Ivanhoe electorate schools

Mr CARBINES — Of course next term we will be opening the \$2 million four prep classrooms at Ivanhoe Primary School. The sod turn will be done at Olympic Village Primary School — that \$6 million new school — and of course we will be opening the \$11.5 million redevelopment of Viewbank College, my old school.

Olivia Newton-John Wellness Walk and Research Run

Mr CARBINES — I would also like to congratulate everyone who took part in the 2018 Olivia Newton-John Wellness Walk and Research Run at La Trobe University. A huge thanks to the event patron and driving force behind not only the Olivia Newton-John Cancer Wellness and Research Centre but also the Olivia Newton-John Cancer Research Institute, Olivia Newton-John, the inspiring patron herself.

Ministerial conduct

Mr SOUTHWICK (Caulfield) (14:14) — What a disgrace! In the last sitting week of Parliament we have six ministers in this chamber under police investigation by the fraud squad. That is an absolute disgrace.

MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2018

Second reading

Debate resumed from 8 August; motion of Mr PALLAS (Minister for Resources).

Mr SOUTHWICK (Caulfield) (14:15) — I rise to make some comments on the Mineral Resources (Sustainable Development) Amendment Bill 2018. We have a bill before the house that comes about as a result of recommendations from the Hazelwood mine fire inquiry. The mine fire inquiry was back in 2014, and I understand that subsequent to that there was a further inquiry in 2015–16. On 21 June 2016 we had a number of recommendations to government in regard to this mine fire inquiry, and this bill is a response to one of those.

In the final sitting week of Parliament — in fact with only a few days to go — we are presented with a bill that will not leave this chamber and will not end up becoming legislation. We are seeing, yet again, a lazy government that has not been able to manage its business program. A whole process of work was undertaken on the inquiry into something that was very, very significant to the state — one of the most significant fires that we have seen in this state that many people in the Latrobe Valley will remember. They absolutely expected the government to act, but yet again this government has failed. This government has failed because it has introduced a bill that will not leave this house and will not become legislation under this government. The Andrews Labor government has had plenty of time to bring this bill before the house. Unfortunately the bill is a massive failure. The

government has let down the people in the Latrobe Valley and it has certainly let down the people in the electorate of Morwell.

They would have expected better from this government. They would have expected that this government would have got on with it and would have ensured that, given the kind of work that was done leading up to this bill, we at least had a fair time to debate it and that it certainly had the opportunity to go before both houses and become an act of Parliament. This unfortunately will not be the case, and it is very unfortunately a sad waste of time in that we will debate this bill and then after the next few days it will end up in the ether and have no opportunity to become legislation. Nevertheless, I certainly think that I, and we, the opposition, owe it to the electorate of Morwell and people in the Latrobe Valley to give regard to what was intended as part of this bill to ensure that at least we put on the record some of the comments which I will now make.

The bill talks a lot about establishing a Mine Land Rehabilitation Authority. This authority is meant to be established to clarify rehabilitation, closure and post-closure obligations. The bill also sets up a post-closure fund. The intention of this particular authority is to give some certainty once we have a closure of a mine, and certainly we are talking about declared mines under this bill — declared mines being those in the Latrobe Valley. Once there is a notice of closure, the bill provides that from that point on there is to be proper planning and there is a fund in place and it allows for planned rehabilitation of those mines.

I think it is quite ironic because it is 18 months since the closure of the Hazelwood power station and yet there was no such plan in place for that closure. We have heard many people say that five months was far too short notice to close anything of the significance of a power station like we had in Hazelwood. In fact that was a tsunami. That was an absolute tsunami that Victoria had under the Andrews Labor government, one which effectively wiped out cheap power prices from that point on. It completely wiped out any opportunity of cheap power prices from that point on. The closure took 22 per cent of our energy supply out of the market, a significant amount — almost a quarter of the state's energy — and then from that point on we have all seen the effect.

We have certainly heard the government, including the Minister for Energy, Environment and Climate Change, the Treasurer, the Premier and others, saying, 'Not my fault, not my fault. That was a market decision'. But we do know that this government, the Andrews Labor

government, tripled the coal tax and effectively taxed the Hazelwood power station out of business. Even if one was to follow the line of argument that the government has and say, 'Well, you know, market forces determine this. We are just going to sit back', we know that we had a situation only a few months later not far away from the location of Hazelwood at the Heyfield timber mill.

I know the member Essendon will probably be talking about market forces when he makes his contribution, but for the Heyfield timber mill — 200 jobs — the government stepped in and said, 'We're going to save these jobs, save the timber industry'. Even though there was no supply of timber, 'Regardless we're going to save those jobs. We're going to purchase a timber mill'. This line that I am taking is not the suggestion that the government should have necessarily gone in and purchased Hazelwood. That is not what we are referring to. But to allow a power station to close within five months and to not have some kind of plan leading up to it for a planned closure, like we are talking about here in terms of a plan for rehabilitating a mine once a power station closes, is an absolute contradiction in the terms.

We know that currently the Hazelwood mine is going through rehabilitation, and certainly that is a major project — millions of dollars. The number is still not fully known as to what it will cost ultimately to rehabilitate that particular mine. The government had many levers in place where they could have sat down with the company and said, 'As part of this closure, let's plan it. Let's plan the closure, let's plan the rehabilitation and let's ensure that we do not have five months that ultimately all Victorians will have to pay for but that we have a number of years that will allow us to transition to some new energy into the marketplace and have a closure that ensures we don't see an escalation of power prices', like we have had.

Straightaway, with the bill introducing an authority which looks at all of these post-closure obligations, setting a fund up and setting a plan in place, this is the complete antithesis of what we have had under this government leading up to now. The government has been absolutely a mess in so many different ways but certainly, when it comes to energy, it is fully responsible for the kinds of prices that all Victorians are paying in their energy bills and the uncertain future that we have in terms of reliability of supply. We have an unreliable energy system, and a very expensive one, thanks to this government.

The bill then states that the authority will be established by 2020 and the authority will take over from the Latrobe Valley mine rehabilitation commissioner. I also

want to point out that on 21 March 2017 we had a bill before the house for the establishment of the Latrobe Valley mine rehabilitation commissioner. This commissioner was meant to be set in place to actually work on:

... developing and maintaining a framework for the monitoring of rehabilitation planning activities, carrying out strategic audits of Latrobe Valley licensees and public sector bodies in relation to rehabilitation planning activities, monitoring and evaluating rehabilitation ... activities in accordance with the framework, reviewing research plans in relation to the ... coal mine land prepared by Latrobe Valley licensees, coordinating rehabilitation planning activities, and engaging with and conducting meetings between relevant groups and persons. It also includes, providing information and education to the Victorian community about coal mine land rehabilitation and the rehabilitation strategy, carrying out investigations on the referral of the minister, and providing advice and recommendations to the minister on matters related to the exercise of the commissioner's powers and functions.

You can see that we have a commissioner that only in March last year was appointed — or certainly the bill was put before the house for their appointment — and that this commissioner would be holding office for a period not exceeding five years. It would be a full-time appointment on a full-time or part-time basis. The 2017 bill provided that the review would be done and this work would be done to coincide by 2020, in which time the minister would prepare a strategy for the rehabilitation of the coal mine.

What I find really interesting is that we had a process in place. We had a bill that went through under this government and said we are going to have a commissioner. The commissioner is going to do all of this work, the commissioner is going to report to the Parliament and the minister by 2020, and the actual plan will be reviewed every three years. That is where we kind of started.

Now we are into having an authority. The word 'commissioner' gets transferred to 'authority', and the authority does a lot of this work. I do not mind if we do something properly. I do not mind if it takes a couple of attempts to get there, but it just is beyond belief that we have a government that starts something and then rolls it into something else. They are not even able to get this stuff right in a first term. If we were always going to have this Mine Land Rehabilitation Authority, if that was the grand plan and if we were going to have a commissioner set up to manage this, then just tell us. Let us do the work properly in the first place. Let us say from the beginning, 'This is what's planned. This is what we're going to do. This is the money we require', and we are away.

That has not been the case. Provided in the 2018–19 budget to the 2021–22 budget, over the four-year period, is \$5.4 million for the current authority. But until 2020 we also have this commissioner — obviously the commissioner is being funded as well. So the question — the answer to which I am sure we are all interested in — is: what gets rolled into what, and why didn't we get it right the first time? Why do we now have to go from the Latrobe Valley commissioner to a Mine Land Rehabilitation Authority?

This leads me to the next point, which is that in this new authority that we are talking about today we have what we call 'declared mines'. Under the bill the declared mines are in fact those mines within the Latrobe Valley itself — the coal mines. The question that we have is: if and when this becomes legislation — we know it will not because it has been brought in during the last sitting week of Parliament, so we are just talking about nothing — when are the floodgates opening it up to other mining facilities? We have seen the amount of regulation and red tape in the mining sector. I can tell you that the likes of the Minerals Council of Australia, the small miners and the prospectors all the way through to the cement aggregates industry have been sitting there scratching their heads and saying, 'Why have the government created so much regulation and red tape that they can't even get an amendment to a working permit through, let alone a new permit through?'

We have seen that in the cement aggregates industry and for quarries. For any Victorian out there who is trying to build a house at the moment the price of basic rock peaks because we cannot get rock into the industry because of planning permits. It is huge. There is a 20 per cent increase on the cost of basic rock, cement and aggregates to build roads and homes. They are all increasing in cost. I have had some people say that they are looking at potentially importing rock from other countries because they cannot get it here. What an absolute joke! A landmass of the size that we have and a state like Victoria, which has been the home of resources, being told by industry that we might need to look at importing some of this stuff because we cannot get our own act together. We cannot get our stuff together under this government.

This government have not cared about the cost of living. They have not cared about housing affordability. They certainly have not cared about energy prices. We know when talking about mining that mining is a very, very broad industry. If you look at your mobile phone, you can see the amount of different resources it takes to actually create a mobile phone from the mining industry. I recall in this government's first year the

Treasurer getting up and pretty much saying, 'The mining industry is pretty much dead in Victoria. We've got to look to other industries. We're transitioning to other industries'. We on this side of the house do not think so. We think that mining has a long way to go and offers huge opportunities and a huge amount of job creation. We think it is certainly something that the Victorian government should be supporting with both hands. We are not seeing that under this government. As we have said, what this government have done to the Latrobe Valley is an absolute shambolic disgrace. We have seen the Latrobe Valley Authority being set up and running around trying to provide all sorts of projects just to stimulate some kind of job creation because the government have completely ripped the heart out of the Latrobe Valley.

One would question if this bill is effectively — in terms of where the government is taking this — a blueprint to close Yallourn power station down the track. They have gotten rid of Hazelwood — 22 per cent of energy is out of the market. Yallourn is next in line — another 22 to 25 per cent energy out of the market. If you think your power prices are high now, wait, there is more, if this government gets a second term. That is the concern that all Victorians should be worried about at this point in time.

There is no question that Victoria needs an energy mix. We have been saying that all along. Victoria does not need a government that is ideologically focused on winners and losers. It has an absolute attack point when it comes to the Latrobe Valley. The Minister for Energy, Environment and Climate Change has not even visited many of these mines when she was resources minister. She never went near them and is absolutely missing in action when it comes to this kind of stuff. We have seen that situation before. We have seen the focus this government has had rushing out and announcing all kinds of energy policies with literally no detail or substance in them. There is the solar for homes announcement for 650 000 homes. We are told the minister was not even informed of this policy. The Premier got up and said, yes, we will have a crack at this, and away you go, we get an announcement coming out with 650 000 homes lining up for their free solar.

What were the consequences? As we reported today, you have got the solar sharks preying on vulnerable Victorians, those who have been telemarketed to and doorknocked and ultimately been sold a lemon, if they even receive their product at all. We are now told by this government — the Minister for Energy, Environment and Climate Change in question time — do not worry about all of that. We have got plenty of protection. When we asked about how only 1 per cent of retailers

are covered by the Clean Energy Council code the minister went on to say, well, that is retailers. I am unsure what a retailer's job is if not to sell product to somebody. I am sure there will be many retailers involved that will be selling solar to people under this scheme.

This bill before the house today does look at a number of other things. As I mentioned, the post-closure fund ensures there are sufficient funds once a mine is declared post-closure. It also looks at enabling the public to comment on the grant and refusal of licence applications — currently only objections are allowed. We would certainly want to ensure that the public have a say, but we also do not want to be held up in lots of red tape so we need to find out more details about what that actually means. The bill also extends the terms of a prospecting licence to seven years from the current figure of five years.

As I mentioned earlier there is \$5.4 million over four years for this. Again what we are questioning today is how much more this is going to cost. Will there be additional financial and regulatory requirements of the declared mine to contribute to further premature closure in the Latrobe Valley power station as we have seen with the Hazelwood power station? How much ultimately will this cost? Has this been budgeted? How much will this cost taxpayers? Again we asked the Treasurer about the reverse auction scheme today in question time — how much those reverse options are going to cost taxpayers — because ultimately we, all Victorians, will be paying for this renewable policy that the government is putting in place. The Premier said, 'I am not at liberty to really disclose that information, and at this point we are unsure'. So what in fact the Treasurer has done is he has given a blank cheque and has said to those people providing these large-scale renewable projects, 'Fill in the numbers. You fill them in, because I've got no idea'. And that is ultimately what has been happening in Victoria.

The biggest fears I have are three things. Firstly and most importantly is that we have Victorians at a crisis point when they are not able to keep themselves warm over winter and cool over summer and are effectively living in the dark. That is the biggest fear, and we have seen it time and time again. I was with the member for Ovens Valley. We travelled and visited a number of people that are living in one room in a four-bedroom house because they cannot afford to heat the rest. What a disgrace.

Businesses are closing down. I spoke to an ice-cream factory which said, 'Look, our power bills are so through the roof that our business has now been put

into administration'. It is a significant business and has been there for a number of years. This is one of the greatest fears — we are effectively getting to a point where we are no longer a great state producing great products and creating jobs through the private sector; we have become a service state. We have become a state where all we can do is sell tourism and education because no-one wants to locate here. No-one can afford to run anything here because bills are just too expensive. That is what this government is taking us to. The Premier is taking us on a fast track to an ideological focus lined up with his Greens mates to effectively turn the lights off in this state.

My second fear is the fact that we will have blackouts. We heard in a report from the Australian Energy Market Operator that there is a one in three chance of power shortages — blackouts — over summer. One in three — that is a big number — so just imagine, like we had with the Premier sitting at the tennis last year during the Australian Open when the lights went out. This character, this Premier, has had years to fix the problem. The lights went out years ago as far as the Premier is concerned. He has done nothing to fix this energy mess, absolutely nothing, and we are all paying for this through costs and through unreliability.

The third worry that I have, although I am looking at hopefully being able to do something about it, is what we are going to inherit should we win government in November. I reckon this will be the biggest — humungous — mess that we have ever seen, the kinds of deals that have been done, these silent deals that have been done, these contracts that have been signed. I remember when Peter Garrett, as the former federal minister for environment under Kevin Rudd, went out there with his pink batts staff flogging batts around the country, just saying, 'How good is this? How good are pink batts? We've got a fantastic project here. This is fantastic'. And then what happened? It had to be shut down because effectively roofs burnt down. People die as a result of this kind of stuff, and that is my biggest fear.

This will involve 650 000 homes. People are out there at the moment getting themselves in, signing themselves up into new businesses. ABN numbers are out of control at the moment. People are getting themselves into 'solar whatever company proprietary limited', going out there and selling this stuff to Victorians — doorknocking vulnerable Victorians, telemarketing vulnerable Victorians in the middle of the night, trying to get them into this deal.

Mr Pearson interjected.

Mr SOUTHWICK — I just fear that this is not going to end all that well. I think even the member for Essendon knows this is not going to end all that well. I really am worried about all Victorians. I am certainly worried about the vulnerable. I am worried about the elderly. And do you know what? In fact this particular solar program excludes renters and apartment dwellers and excludes people on a low income, so you effectively have a house valued at up to \$3 million or thereabouts and a household income of up to \$180 000. That is the target market. Well, it would not be so bad if they were the ones being telemarketed to, but at the moment we are telemarketing to the most vulnerable. They are the ones that are copping it.

I heard the most horrible thing from somebody the other day. These telemarketers look for the three Rs when they doorknock: roses, ramps and rails. If a house has got roses in the front garden and it has got some ramps and rails, there is a vulnerable person behind that door that they can prey on. That is what they do. That is part of the training some of these companies do. They get them there and they say, 'You know what? Look out for someone that has got a ramp, a rose and a rail there in their home. Away you go — customer on the hook'. That is what this corrupt government has got itself into. That is what this government has set all of us up for. That is what we are all going to be paying the price for. That is why this government cannot be trusted with anything. That is why this government is a complete failure. That is why we have an energy crisis in this state. That is why we are paying more than we ever have for our power bills, and that is why in December it is going to be a lucky dip of whether your lights stay on or whether your lights go off. The lights have gone out for a long time under this Premier. This Premier is completely missing in action. This Premier has failed Victorians, and come 24 November this Premier and this government need to be shown the door.

On that note, we will not be opposing this bill, but it does not really matter, does it, because the bill will not see the light of day. The bill will not see the light of day because this government has failed again to bring this bill into the house until two days before we close for the end of term. What a disgrace. What a joke.

Mr PEARSON (Essendon) (14:42) — I am delighted to make a contribution on the Mineral Resources (Sustainable Development) Amendment Bill 2018. I do want to pick up on a point that the member for Caulfield made in his contribution. I am paraphrasing the member, but I think what the member said is that in relation to the shutdown at Hazelwood what should have happened when the company gave notice is the government should have sat down with the

owners and operators and had a planned closure; I think that was his contention.

Just by way of background, the Hazelwood power station got planning approval in 1958. The generators went onstream from 1964 to 1971 and provided 1600 megawatts of baseload power. A Worldwide Fund for Nature report — and I note that that will probably be met with some derision from those opposite — found that it was the least carbon efficient power station in the OECD in 2005. The other point I would make is that when Hazelwood was sold off by the Kennett government in 1996 the proceeds that the state received was \$2.35 billion. In checking on Wikipedia, they estimate that there was about \$800 million reinvested into that power station from 1996. I do not know whether that is true or not, but let us suppose the figures stack up. So \$800 million was reinvested by successive generations of owners of Hazelwood from 1996 to about 2016 when it closed — that is 20 years. The Australian Tax Office (ATO) has a capital depreciation rate of between 2.5 and 4 per cent. So 2.5 per cent of the original purchase price of \$2.35 billion in 1996 equates to \$58.75 million, and 4 per cent equates to \$94 million. I concede that this asset was progressively sold from 1996, but by way of illustration, if you look at the 20 years, they invested \$800 million; that is about \$40 million per annum. But if we look at what they should have invested according to the ATO, it is between \$60 million and \$100 million, so there has been a significant level of underinvestment in the asset.

You could argue two reasons for that. You could argue the fact that the asset was approaching its use-by date, in which case why would you invest that money? That is one thesis. Another thesis might be that there has been some level of negligence by the owners or a decision by the owners to chronically underinvest in that asset. Why do I raise this? In response to the member for Caulfield's contention that the state should have sat down, I would hazard a guess that if the state had done that and said, 'Don't shut down now. Come in and sit down. What can we do to keep the doors open and keep you operating for the next five or 10 years?', I reckon the taxpayer would have been on the hook for a lot of money — a lot of dough.

Bear in mind that this is an asset that was built between 1964 and 1971. It is like the EH Holden that you take to the mechanics in 2016. It has been a great car but it is past its use-by date. It is not fit for the 21st century. It is not reliable. You are going to have to spend \$50 000 to keep it on the road. You can make that choice, and I am not sure if the member for Caulfield would suggest that had we sat down with the operators and they had said,

‘You can keep it operating for the next five years but it is going to cost you a billion dollars’ — or whatever the figure is — we pay that, but that is the situation we were in and we had that really clear choice.

The other point I would make is that the lead speaker for the opposition, the member for Caulfield, obviously has a slight bias or a penchant for baseload coal-fired power stations as opposed to renewables.

Mr Southwick — On a point of order, Acting Speaker, I would ask the member not to deliberately mislead the house on what I have said. I have never said that. I have always spoken about an energy mix, so I would ask him not to mislead the house.

The ACTING SPEAKER (Ms Thomson) — It is not a point of order.

Mr PEARSON — I am sorry. In the course of the member’s contribution he was quite critical of aspects of renewables and he seemed to be quite positive about coal, but if that is the member’s position, so be it.

The point I make to the member though is that there is not a bank in Australia, and I suspect in the OECD, that would actually lend money to build a baseload coal-fired power station. So even if, for example, we had turned around and said, ‘Let’s call in Engie, who have made this decision to shut down Hazelwood, and let’s say that we will have a complete refit — let’s pull out the old generators, let’s put in some new generators, let’s go out and get financing to make it work’, there is not a financier in the Western world that would fund such an investment. Because these investments, one, are capital intensive — they cost billions of dollars; two, they need a long lead time in order to get a return on the asset; and three, technology is changing so rapidly that the banks are not going to lend money for such an asset because it runs the risk of being a stranded asset, of becoming a white elephant. The member for Caulfield might think that baseload coal-fired power stations are de rigueur in 2018, but the financial markets do not; they do not think that. They would argue that it is a very poor investment because of technological change.

The other point I make from an environmental perspective is that it is estimated that Hazelwood was 50 per cent more polluting than some of the black coal-fired power stations in New South Wales and Queensland. Admittedly, yes, brown coal as opposed to black coal has fewer sulphides, but in terms of CO₂ emissions it is far greater. If the minister had done what the member for Caulfield wanted, I can guarantee you that the questions in question time today would not

have been about dodgy door-to-door salespeople, they would have been: why did you put the taxpayer on the hook for hundreds of millions of dollars or billions of dollars of taxpayer funds for an asset that is an absolute dog? That would have been the question today. Once a former government decided to privatise these assets and sell them off in the open market, it became a matter for the private sector to determine what to do with them, and that is just the reality of the world in which we are living.

The bill is about making sure that there is an appropriate regulatory regime in place for the Hazelwood mine. As the bill indicates, this is in response to the Hazelwood mine fire inquiry.

This, I think, is a very important piece of legislation because it reflects the times in which we are living. I grew up in the clay belt in the outer east. Back in the 1970s and 1980s you would dig a hole, you would dig out aggregate or a resource, you would then use that hole for rubbish and it would become a tip, and then you would cover it and make it an oval for kids to play on. That was very much the way in which quarrying operated probably right up until, I dare say, the late 1980s or 1990s at a guess. The reality is that now community expectations have changed quite significantly, and I think that most people in the community would say that they would want to have some involvement, some say, in the way in which a quarry like that would operate. Near my electorate and the electorate of Niddrie you have got the Valley Lake estate, which used to be the old Niddrie quarry. That has now been turned into a vibrant community centre with plenty of housing and plenty of green open space.

What the bill is seeking to do is respond to the mine fire and try and make sure that there are appropriate arrangements in place to ensure that when the mine is rehabilitated it is done in a way which accords with people’s expectations. The bill also ensures that there is appropriate regulatory oversight and that there is also the capacity to work with the owner of the asset to ensure that what is delivered on that site is indeed appropriate. There is a degree of community involvement and oversight as well. It is important that, from a bond perspective, there is an ability for a bond to be paid by the owner, and I believe that is held by the government and then returned post completion.

This is a significant investment that will occur in the valley. It is about working in partnership with the community, making sure there is an appropriate level of regulatory oversight to ensure that what is left as a final product is something that the valley can be rightly proud of. I commend the bill to the house.

Mr McCURDY (Ovens Valley) (14:52) — I rise to make a brief contribution to the debate on the Mineral Resources (Sustainable Development) Amendment Bill 2018. This is a bill that will not get through the upper house this week. It has been left until it is too late, as we have heard from the member for Caulfield. It is a shame that some of these bills that seemed to be high priorities back when Labor was in opposition have now been left until the last sitting week of the 58th Parliament.

The main purpose of the bill is to fulfil the government's commitment to implement the recommendations of the Hazelwood mine fire inquiry. The bill establishes a Mine Land Rehabilitation Authority, clarifies rehabilitation, closure and post-closure obligations and sets up a post-closure fund, although there is more detail required around that post-closure fund. The Mine Land Rehabilitation Authority will be established on 1 July 2020, and the authority will take over the Latrobe Valley mine rehabilitation commissioner's current roles in relation to the rehabilitation of the Latrobe Valley and the regional rehabilitation strategy.

The bill enables the minister to apply this new regime to future mines that present a significant risk to public safety, the environment and infrastructure using an existing statutory power to declare mines. The Latrobe Valley coalmines are currently the only declared mines, and there is, as I say, uncertainty around this definition. But after a mine is closed the landowner will be responsible for monitoring and maintaining the land. The post-closure plan will be registered against the title of the land, and the minister will have the power to enforce that plan.

The bill establishes a post-closure fund for each mine. The authority will use the post-closure funds to meet the ongoing costs of managing declared mine land post closure. The criteria and processes for assessing liability will be set in regulations. Although the declared mine land rehabilitation framework bill is enabling, we know the devil will be in the detail amongst the regulations.

The changes will start to come into force from 1 July 2020. The time frame for rehabilitation plan changes will be set following consultation. The bill enables the public to comment on the granting and refusal of licence applications. Currently only objections are allowed.

Other parts of the bill allow landowners and mine licence-holders to include agreements on non-financial compensation in registered compensation agreements, and the bill extends the term of prospecting licences to

seven years from the current five years. Prospecting licences were introduced in 2010, and they are used by small-scale prospectors and miners.

I am a little disappointed that in the mining and resource management area there were not changes included in the bill, particularly in terms of resources and the mining of resources. For example, as building and infrastructure goes ahead in both Melbourne and communities in the country, we are starting to run out of resources. As this government tries to out-green the Greens at times, I was disappointed that some strategies around how we can keep some of these mines open were not included in the bill.

In the Ovens Valley there is a perfect example in Tarrawingee, where Mawsons quarries have run out of certain mining resources and they cannot get a permit for further resources in that region. They are bringing in some of this rock from miles and miles away, and it is just making the cost of building, particularly concrete structures, go through the roof in the Wangaratta region. Again, this is due to the red tape that we have got in that mining and mineral resources area. It needs to be fixed, and I was hoping that might have been resolved some time during the term of this Parliament. But as this is the last sitting week I cannot see any of this getting through. The government should have considered a few more details and maybe introduced this legislation a little earlier.

I do have some concerns. Some concerns have been raised with me about why the government have waited so long to introduce this legislation. Is it just another stunt so they can say they tried but failed even though they did the best they could? If they really wanted to get this through, it would have been introduced and debated many moons ago — not necessarily this year. It could have been last year or the year before. Other concerns I have are around funding obligations and who pays for the establishment and ongoing costs of the Mine Land Rehabilitation Authority. There is speculation about what happens to the funding that is in the budget for the Latrobe Valley mine rehabilitation commissioner and managing mine rehabilitation risks, which, I might add, will provide \$5.4 million over four years if the commissioner is replaced by the Mine Land Rehabilitation Authority, as set out in this legislation, by July 2020.

Other questions include the additional financial and regulatory requirements of the declared mine fund that could contribute to the further premature closure of Latrobe Valley coal-fired stations, as this government caused with the Hazelwood power station by tripling the costs of the mine operators due to the establishment

of the mine's post-closure fund. As I mentioned earlier, debating this bill in this last sitting week will not help to answer some of those questions. Sadly, it is too little too late. There is still uncertainty around when mine operators will be required to contribute to their post-closure fund and some of the guidelines and regulations that the minister needs to follow. There is still an enormous amount of work that could probably go into this.

I know the Minerals Council of Australia are broadly supportive of the bill; however, they are concerned about the lack of industry understanding of the process of a mine becoming a declared mine. The minerals council also expressed strong support for the bill's proposed changes to the small-scale prospecting licence, which it views as a common-sense reform.

With that, this bill does make a number of legislative changes which have broad support from industry. It establishes a framework to provide additional financial protection for the state in relation to the rehabilitation of the Latrobe Valley's brown coal mines, but again I say that all the huff and puff of Labor when they were in opposition has certainly turned into too little too late in this 58th Parliament.

Mr HOWARD (Buninyong) (14:59) — I am certainly pleased to speak on the Mineral Resources (Sustainable Development) Amendment Bill 2018 that is before the house. Having listened to the speaker from the National Party just before me, it is clear that he does not quite understand the background to this bill in full. It is not as though there has not been a lot of work done by this government and previous governments in regard to the whole issue of any miners receiving a licence in the first place and being required to commit to rehabilitation and set in place rehabilitation plans.

I took great interest in this issue from early in my time in this house because there was a gold mine in Mount Egerton that was closing down and the community of Mount Egerton was very concerned that the mine was not operating as perhaps it should have been. The department responsible for mining pursued the mine owner to ensure that the mine was closed appropriately, that rehabilitation was done and that the community was not left with a disaster site, as it were. The site of that former mine in Mount Egerton is now for the most part a pleasant site that has parkland that can be accessed and utilised by the Mount Egerton community. That has been a good process in that area.

In my role as parliamentary secretary for environment and resources, I have had the opportunity to do a lot of work with our mines department. I have seen that

people in that area have worked very hard to ensure that processes are in place in all our mining sectors so that our mines are operated well.

With regard to the Minerals Council of Australia, from when I have had occasion to work with them I know that that is something that they have supported strongly. They want to see the mining industry have a good reputation across the state.

We know that often when either exploration licences are applied for or mining is undertaken community members are concerned about what they are going to be left with at the end and the whole effect of mining on the community. It has been important that the community's voice has been heard and that mining operators understand that they have to follow through on commitments relating to things that are going to be in the community interest and that if the mine does close the rehabilitation work will be done appropriately.

In regard to this particular bill, we know that the background of this bill is that it essentially relates to the Latrobe Valley coal mine. We remember back to 9 February 2014 when a fire took hold of the Hazelwood mine and burnt for many, many days — 45 days, in fact — sending smoke across the Morwell area in particular and threatening the health of the community in Morwell. They quite rightly were outraged by the fact that this fire was able to continue. We know that when we looked into what had preceded the fire, we found that a lot of the watering equipment that was put in place in case a fire happened had been disconnected. So a lot of work was done and soon after the fire, in March 2014, the government asked the Governor to undertake a broad review of the management of the Hazelwood mine and the issues associated with the fire. We know that the Honourable Bernard Teague, AO, Professor Emeritus John Catford and Ms Sonia Petering were appointed to undertake that inquiry. It was a very thorough and useful inquiry that of course made many recommendations.

We also know that subsequent to that the Hazelwood mine was closed in March 2016. The Andrews government, having committed to meeting all the recommendations of the Hazelwood mine fire inquiry, has been following through on that. Although this bill is coming before the house at this time, it is not as though things are not continuing to be done. It is not as though we did not establish the Latrobe Valley mine rehabilitation commissioner and put that commissioner in place to oversee the follow-up from the Hazelwood mine fire and then the mine closure. That commissioner has been doing an excellent job. I have talked with him and some of his staff to gain an appreciation of the great

work that that person and his team have done in working with the mine operators, the community and local government to ensure that their concerns are being addressed and that an appropriate process has been put in place in regard to the rehabilitation of that very, very large coal mine. That has been proceeding. We have been working through addressing those issues raised in the inquiry in regard to that mine and we know that more work needs to be done.

The fact that this bill will not be passed during this Parliament is not necessarily of concern because anybody who has read the detail of the bill will have seen that the bill establishes a new Mine Land Rehabilitation Authority and that authority will not be established until 30 June 2020. We have plenty of time to get this bill through this house and the other place before 30 June 2020 so that the new authority can be put in place. The centre point of this bill is clearly to establish a Mine Land Rehabilitation Authority, which will simply take over from the existing Latrobe Valley mine rehabilitation commissioner in following through on the work. We know that the responsibility of that authority can in time be larger than dealing with just the Latrobe Valley mine, but that is the key focus at this stage.

Other members have talked about a number of things in the bill in terms of how the legislation will work. We know that essentially this bill is directed to ensuring that we have in place an appropriate procedure to ensure that all mines have a proper rehabilitation plan. The plan will be developed to certain levels depending on the size of the mine, the length of time it has been running and so on. That is something that is continuing but will be further enforced when this bill is passed by both houses and is finally enacted. The bill also looks at issues to do with the Mineral Resources (Sustainability Development) Act 1990 and takes on board recommendations that have been made to the government, and it looks to clarify a number of issues associated with the overall bill.

This government has worked very soundly in ensuring that our mining industry in all areas of the state is, for one, supported. We know of course that our mining industry is important. It is certainly important for somebody who comes from Ballarat. Certainly our goldmining industry is continuing. We continue to have gold being taken from underneath Ballarat, which is certainly adding to the economy of this state. In regard to coal mines, we know that a number of coal mines in the Latrobe Valley are now closing down. We need to set in place a process to ensure that they are converted from large holes in the ground to areas that can be appreciated and used by the community in years to

come and are going to be safe and sound and well managed into the future.

In taking the next step with the creation of the Mine Land Rehabilitation Authority, this bill will be setting the people of Victoria on the right path into a sound future in terms of future mining operations and in particular where those mines close down or even when they are continuing. Of course we still need a rehabilitation plan for areas of mines, particularly when they are open cut mines. We know that you do not wait until you have finished the mining altogether before you do the rehabilitation; you do the rehabilitation as you go along. The people of Victoria can feel comforted to know that this government continues to see the substantial issue ahead of us in dealing with the closure of the Latrobe Valley mines. I commend all of those who have been involved in the preparation of this bill. There has been a great deal of consultation and this will result in a good outcome for the people of this state.

Ms SANDELL (Melbourne) (15:09) — I am here to speak on the Mineral Resources (Sustainable Development) Amendment Bill 2018. It is, as many other speakers have already said, a very important bill but it is also a very overdue bill. As we have heard, the Hazelwood mine fire inquiry was in 2014 and this is one of the recommendations to come out of that. It would have been good to actually have this passed while it was still able to go through the upper house because it does deal with the very significant and very neglected issue of mine site rehabilitation for coal mines in particular.

I am quite disappointed, I have to say, that this key recommendation of the mine fire inquiry, this bill, is only being slated for debate in the lower house now, which means that it has no chance of going to the upper house because of course this is our last week in Parliament. It is pretty disingenuous, I have to say, for the Andrews government to bring this on so that they can say they are acting on this issue when they know full well that this bill is not actually going to be debated in the upper house, which means it is not going to pass; rather it is going to lapse. However, I am here to speak on the bill and I am happy to put the Greens' position and my position on the record: the Greens support this bill.

In short, as we have heard, the bill establishes a new Mine Land Rehabilitation Authority to provide independent oversight for the rehabilitation of mines that are 'declared mines'. At the moment the term 'declared mine' only applies to coal mines in the Latrobe Valley. We know that Victoria needs a new authority. It is something that has been long fought for

by the Greens, by environment groups and of course by locals in the Latrobe Valley as well.

The impacts of the Hazelwood mine fire were devastating for the locals, devastating for our environment and devastating for our climate, and we cannot really underestimate the impact that that mine fire had on people. What it also made absolutely clear was that we cannot just trust these big corporate coal companies to do the right thing if they are left to their own devices. I wish we could, but unfortunately time and time again history has shown us that we simply cannot.

These companies are motivated primarily by profit. They would like to do the bare minimum that they can get away with, especially in terms of cleaning up after these mines are no longer profitable and they leave the mine operations. History shows that they just will not do the right thing unless there are really strong laws in place to make sure that they do. So it is important that the Mine Land Rehabilitation Authority has a really powerful role in ensuring meaningful rehabilitation planning happens throughout the life of a mine, not just as an afterthought after the operations of the mine have closed.

Given how important this authority will be, I want to stress the importance of getting it up and running and fully resourced as soon as possible. Under this legislation it will not be established until 1 July 2020. We believe this authority is too important to wait another two years for. We have already waited four years since the mine fire inquiry started, and the community has been waiting a lot longer than that. It is 2018 and we know that the authority is not slated to start until 2020, and honestly this is just not good enough. We need it to start now, but this bill is not even going to pass; it is actually going to lapse so we are going to have to wait some more months if the legislation gets through at all.

Yesterday I announced the Greens' plan to power Victoria 100 per cent with renewable energy and actually phase out coal entirely by 2030. We did this because we know that coal mines, coal power and burning coal simply have to be phased out, and they have to be phased out quickly if we are to guarantee a safe climate for all of us in our future. We also know that we need to do it in a way that really supports communities, so I announced as part of our 100 per cent renewables package a comprehensive plan for new jobs and new industries in the valley.

I must have visited the valley — I do not know how many times — at least half a dozen times in the first

couple of years when I was an MP, including after the Hazelwood mine fire and then in the lead-up to Hazelwood's closure. I went there to sit down and listen to people and ask, 'What are the issues that you are facing and what should the government be doing?'. Obviously the Greens' position is that we need to get out of coal, but let us listen to the communities about what they think that might look like. They are not silly. They know that coal is coming to an end and they know that we have to get out of it.

They told me time and time again a few things: that privatisation had absolutely failed them; that they felt abandoned by successive governments, not just around the fire but especially around the fire and particularly around privatisation; and they told me that they wanted new industries and new jobs invested in early because they know that coal mines are closing and they actually want something there that is up and going, employing apprentices, employing people and bringing money into the community before the coal mines and plants shut. That is something that has not happened, and it is something that did not happen with Hazelwood either, which is really disappointing.

This government knew that Hazelwood was closing. However, the week before it closed I got up in this Parliament and asked a question of the Minister for Energy, Environment and Climate Change about what she knew about Hazelwood closing. She got up and categorically said that it would not be closing and that she had not had meetings that indicated that it would be closing. That really was not the truth because she knew that it was coming and yet they were making public statements that kept the community in the dark. This community really deserves better than that. They deserve this bill going through, but they also deserve new jobs, new industries and large investments, not just a couple of jobs here and there.

I know this government has done some good things in terms of investing in the valley. Solar Victoria is now based in the valley, which is great, but the plan that we announced includes \$500 million of investment in big batteries and pumped hydro storage, solar and batteries on all freestanding public housing and solar and batteries on every Victorian school, and those jobs to manage that process would be located in the valley. This is the kind of large-scale investment, as well as new renewable energy such as offshore wind, that we need in places like Gippsland and the Latrobe Valley to make sure that we are actually protecting people through this inevitable transition.

We know that coal has to be replaced: it is a fact and it is the way the rest of the world is going. We know that

Victoria's power stations are Australia's dirtiest and that they are actually some of the dirtiest in the whole world. We know they spew out huge quantities of toxic sulphur, mercury, nitrogen and also particle pollution. So it is not just about the environment and climate change; we actually also need to phase out coal for our health. These power stations and the mines that feed them just need to go, and when they do we need to have a strong mine rehabilitation authority in place to make sure that we are not left with this legacy of damaged land or dangerous mine sites.

What I would like to see, as well as this bill passing, is actually a time line from this Labor government, and ideally from the opposition as well, for the phase-out of our coal plants and mines to actually give the community some certainty and actually protect us from climate change. We have got a plan about when we would cancel the licences of different units of plants and how we would bring new jobs, new industries and new energy to ensure security of supply. If we can do that by just working with some energy experts on a voluntary basis, and with the limited staff that we have, surely the government and the bureaucracy can work that out as well. Unfortunately, as we have seen time and time again, this Labor government simply does not have a plan when it comes to coal.

When you look at what this Andrews Labor government has done on coal and gas, when you look at what this Labor government has said and done when it comes to coal and gas, it tells you really everything you need to know about how much they actually care or do not care about climate change. Let us list a few of them, shall we? This Labor government has extended the licences of our two most polluting coal plants out to 2032 and 2048. That is well beyond the time scientists tell us we need to absolutely stop burning coal and keep it in the ground if we are to avoid the worst impacts of climate change. This Labor government gave \$50 million of our taxpayer money — Victorians' money — to a dodgy brown coal project to try to turn brown coal into hydrogen, for very, very little energy but a lot of new pollution. This Labor government has publicly declared in this chamber their support for a monster gas import ship at Crib Point in Western Port Bay bringing in dirty fossil fuels through a Ramsar wetland. This Labor government made the decision to open up our western coastline to gas drilling. This is a fossil fuel that is dangerous to drill and dangerous to burn. And this Labor government has refused to support a permanent ban on all onshore gas drilling across our farmland and our environment. It is a pretty sad record, I have to say. It is a pretty disappointing record if you are someone who actually cares about the

future of this planet and our children's future and our grandchildren's future.

The Premier talks a big game on renewables, and I know that this Labor government has done some good things and made some good announcements when it comes to renewable energy. But sitting behind those shiny announcements about solar power for people's homes is this fundamental belief of the Andrews Labor government that we should keep burning brown coal in this state into the future. That is something that just simply cannot coexist with a safe planet and a safe climate for our future. I am sorry; that is just basic, basic science. If we actually want to protect Victorians from more droughts, from more bushfires and from more floods, we actually have to keep coal in the ground. We have to stop burning coal. That is what all the scientists are telling us. That is a simple scientific fact — that burning coal causes climate change — and if we want to avoid more droughts, more bushfires, more floods and more extreme weather events, we simply must keep coal in the ground. But this Labor government does not believe that. This Labor government believes that a safe climate can coexist with continuing to burn coal out to 2048 — and I am sorry, but that is simply just not true.

I want to go back to some of the specifics of the Mine Land Rehabilitation Authority. Under this bill the rehabilitation authority will only be able to oversee declared mines, and so far that is limited to the coalmines in the Latrobe Valley. Unfortunately this does not go far enough. We would like to see the new authority empowered and resourced to provide thorough and effective oversight for the proper rehabilitation of mines all across Victoria.

My office is routinely contacted by communities, such as recently those surrounding Costerfield near Bendigo. These are communities who are deeply concerned about contamination from mining and inadequate rehabilitation. At the moment these communities really struggle to just get the basic information they need about what has happened to the mine, what is going to happen to the mine, if there is contamination or not and what the rehabilitation plans will look like. An independent authority that had a clear mandate to work with communities and to only allow mines to proceed when they are safe and to make sure that they are cleaned up properly would make a really big difference to these communities and the environment across our state.

I also want to mention the Alcoa mine site near Anglesea. That absolutely should be a declared mine under this bill, because the least Labor can do after the shameful special treatment they have given Alcoa is to

give the Anglesea community some certainty around what is going to happen to them. The coalmine near Anglesea, the Alcoa coalmine, has a history that clearly demonstrates the favourable treatment that Labor and the Liberals have given to them — through subsidies, for example — at the expense of communities and the environment.

In 1984 the then Premier, John Cain, gave Alcoa a special exemption to freedom of information laws, which has essentially allowed them to hide a lot of their actions. The Greens have twice tried to introduce a bill to remove this unjustified exemption. No other company gets a special exemption from FOI, but twice our efforts to remove this exemption have been blocked by Labor, the Liberals and The Nationals. It is relevant to today's bill because it does relate to rehabilitation. Alcoa has closed their coalmine; they made that decision in 2015. Since then the community has really been trying to get information about how the site is to be rehabilitated. They were quite optimistic and hopeful at the start that they could work with the community, but that has not happened. The company has not actually acted in good faith.

What has become apparent is that Alcoa never really had a plan, and now they are just scrambling to try to put one together under pressure. It shows that rehabilitation is just an afterthought for them. It is not something that they thought of when they started digging. They did not think, 'Gosh, how are we going to clean this up at the end?', which is what they should have been thinking, and governments should make them think about that. But now they are patching it together. Maybe there will be some commercial activity there and more residential development in an area in which it is wholly inappropriate. The community is rightly very annoyed at Alcoa and the government for letting them hide their plans and giving them this veil of secrecy. This bill would be much better if it actually included mines like the one at Anglesea.

This is something that we have to take seriously. We do not just treat it as a token aspect of licence approvals — like, 'Oh, do you have a plan?'; 'Sure'; 'Yes — tick'. No, you actually need a proper plan, and it needs to be overseen by someone who knows what they are doing.

Finally, I draw attention to the recent and pretty disappointing decision from this government to rush through a decision to open up more than 10 000 square kilometres of western Victoria to mining exploration. Labor recently tendered 11 new large exploration blocks in an area known as the Stavely Arc. That is not all; they are even providing millions of dollars in public money — that is taxpayers money — to these big

mining corporates to help pay for this exploration. The area that has been opened up runs from just north of Warrnambool all the way through to the northern border with South Australia and New South Wales. Some of the blocks border the Grampians National Park, the Little Desert National Park and Wyperfield National Park, and they cover huge areas of productive agricultural land. This decision to create uncertainty and open up this land to mining licences really poses a lot of threats to food production as well as the environment.

I have been contacted by a lot of farmers and landholders in the area who are pretty outraged that this government has rezoned their land to allow this mining, with no community consultation. I think they are pretty desperate when they are contacting the Greens. We do not get a huge vote out in western Victoria, although I think it has been increasing as a result of the government's decisions on gas exploration and now these mining licences. They feel like they do not have a voice in this Parliament, when no community consultation is undertaken before land is rezoned like this.

I am pretty concerned about the impact that will have on our waterways as well, which are already under stress, particularly in the west. Mining, as we know, is a huge user of water. I am not sure where the government thinks this new water is going to come from and what the impact will be on our agriculture, let alone our native plants and animals.

To me it seems like just another example of selling off our state to the highest bidder and valuing profits above communities, above the environment and above long-term thinking. It is about getting a short-term buck, because they will not be in government when they have to deal with the rehabilitation. Instead of handing over money to these mining companies and trashing the environment, it would actually be great if we could use this public money to protect our environment or ensure that everyone is doing the right thing by the environment.

In conclusion, as I said, Labor has done some really good things on renewables, and we have celebrated those and we have commended those. They have done some good things in terms of increasing mine rehabilitation bonds and responding to the community's calls for a Hazelwood mine fire inquiry, and this bill would be another step in the right direction if they had allowed it to be introduced early enough to be debated and if they were actually serious about getting it through. But Labor's conflicted stance on mining, on

gas and on coal is confusing the community, and it is pretty devastating for our environment.

I would like to see Labor stand up and tell us really where they stand. Do they want coal mining to continue or not? Do they want to protect us from climate change, from more droughts and from more bushfires or not? At the moment it seems clear that the answer to that is: yes, they want more coalmining, and no, they do not want to protect us from climate change. I would be very, very happy to hear the Premier or a minister of this state stand up and genuinely say, 'No, we have a plan to get out of coal, we have a plan to leave fossil fuels in the ground and we actually have a plan to protect Victorians and our children and grandchildren from climate change', but I am not going to hold my breath.

Mr EDBROOKE (Frankston) (15:27) — It is indeed a pleasure to rise this afternoon to speak on the Mineral Resources (Sustainable Development) Bill 2018. I start by congratulating the minister and the minister's advisers on all the hard work that has gone into this bill. It is of course a recommendation from the Hazelwood mine fire inquiry, which found that current legal requirements for mine rehabilitation and mine closure are very unclear. The inquiry recommended a few things, one of which was that the government should establish an independent Latrobe Valley mine authority by 2026 or earlier in the event of the premature closure of one of the Latrobe Valley mines, which was recommendation 15.

It also recommended that the government amend the Mineral Resources (Sustainable Development) Act 1990 to clarify rehabilitation, closure and post-closure obligations, which was recommendation 17. It further made a recommendation to establish a post-closure trust fund to mitigate the likely costs arising from ongoing monitoring, maintenance and management of a rehabilitated mine site after closure, which was recommendation 12.

The purpose of this bill is to respond to those recommendations of the Hazelwood mine fire inquiry, which found that the current legal requirements for mine rehabilitation and mine closure are just not there. It amends the Mineral Resources (Sustainable Development) Act 1990 to clarify rehabilitation, closure and post-closure requirements. It clarifies responsibility for the post-closure management of rehabilitated mine land where required and establishes a Mine Land Rehabilitation Authority to oversee declared mine rehabilitation and post-closure management, including administration of post-closure funds, from 30 June 2020.

We did hear some talk of that date, 2020, just then, and we also heard some other stories from the Greens as well. I guess I would just like to start part of my contribution by clarifying some of that. I think this government has made it very clear that when we say we will do something, we will do it. By 2020 I think is a reasonable date. There is a lot to do in this space. There are mines all over Victoria. To put these recommendations in place is no small feat.

We have also heard some people in the house questioning our commitment regarding climate change and also questioning our commitment to renewable energy. I would just take the previous speaker, the member for Melbourne, back to some of the announcements we have made over the last month, including solar for people's rooftops in Victoria — 60 000 I think — solar hot water heating; the list goes on and on and it will continue. This government knows that renewables are the future of clean and cheaper electricity. We also had a huge wind energy announcement a week ago which was all over the media, so I cannot really believe what I am hearing sometimes from the Greens when they are questioning whether we will be making that transition.

Anyway, back to the bill. This bill actually brings back headaches for me. I was a firefighter on duty the day the Morwell mine fire began, and I was at plenty of previous ones as well. I got the call to travel down to the Morwell mine — code 1, lights and sirens — which took about an hour, and we could see from the get-go that there was no incident control structure; there was no management. At that stage it was the local emergency services doing what they could to develop a structure while actually trying to contain the fire at the same time. Now I could take you through two to three weeks of the risks and the issues in that community, and I will talk about the town of Morwell itself in a second, but all this came about because the ethical responsibilities of this mine operator were not actually being met.

It is not very well known, but in responding to that mine fire we took the Frankston Teleboom apparatus down into that mine. The mine itself is 42 kilometres-plus in circumference. It takes 15 minutes to get down to the mine bottom, so if there is an emergency, that is 15 minutes of travel to get someone who could be in a critical condition to the very top to get them airlifted. Also, once you start pumping water into that mine it becomes a swimming pool. The water does not go anywhere — you have to pump it out. You are using water as an extinguishing medium and it is ending up around your feet and you are wading around in it. These are very difficult

conditions. So I would like to just give a shout-out to the men and women who were actually down there for those months taking care of that, because I can assure you that when we first got there it was like taking a bite of an elephant. We could not even see where in the future we could make gains in this job and extinguish that fire.

It is not very well known that when we got there the pipe works, or the ring main as we call it, for that coalmine had actually been scrapped and sold as scrap metal. Mines require fire pumps, sump pits, different extinguishing mediums and what we call a ring main, which is usually at least a 90-millimetre hose or static pipe that we can connect into as firefighters and use that water that is already pressurised to, say, 1000 kPA. In this mine the sprinklers were attached to that but the pipe itself had been taken away and sold by the mine. They actually sold that for scrap, so we ended up down there and the only water we could use was water through the hoses that we laid down there, which was kilometres and kilometres and kilometres worth of hose. That happened because the rules are very unclear. The responsibilities are unclear, and I am very pleased to see that that is being addressed in this bill.

What I saw during that fire was a massive risk not only to the emergency services workers and volunteers down in that mine but also the Morwell township where my parents live and where some of my family lives. Schools were closed down, kindergartens and childcare centres were closed down, and it was not until two weeks in that the Dandenong hazmat unit was requested to put remote carbon monoxide monitoring units all around Morwell. What they found was that the parts per million of carbon monoxide and other toxins in the air were far too high for people to be exposed to. Of course we have heard about the deaths that have been attributed to that mine fire as well due to respiratory illnesses. This was a terrible thing for that community, and in many ways the community is still scarred from that and is still coming back from that.

When I go down there to visit my family I do see some really positive work going on by this government, with a massive amount of funding going into innovative programs for that community to get back on its feet again. I must say that what I saw when I first got down there was that the government at the time, now opposition, did not really have much time at all for those people in that community or that emergency. I saw the Premier at that time, Denis Napthine, do a doorstep and then take off in a helicopter. I am sure Denis was organising other things at the same time, but there was not any show from the former government to

say, 'We are interested in this, and we actually want to look after the community and get it done'.

What we did see was the then opposition leader, now Premier, in what I would say is one of the gutsiest things I have ever seen and also probably something for which the Premier will have my respect forever, come down and walk into a tent of very tired, very sore emergency service workers — police, ambos, Victoria State Emergency Service workers and firefighters — who had really had enough of this job. People were not in any mood to talk to politicians, but he came in, sat down and asked questions. Before I knew it there were people huddled around the then opposition leader, and he actually found out what was going on. In a lot of ways this bill has a bit of, I guess, passion from the Premier himself in the cabinet about what he saw down there and why we cannot let this happen again in Victoria. The fire was dangerous. It put many, many lives at risk. On the first day I was there six people were in hospital just from the mine firefighting effort alone. We know, as I said before, that the community has suffered, and it is only now with an Andrews Labor government that they are seeing some action being taken to prevent this kind of thing happening again.

I cannot speak highly enough of this bill. I commend the bill to the house. I hope that across the board today we have support — the opposition not opposing it and the Greens supporting the bill. I hope many people can stand up and actually get behind this bill and let us know that these incidents are not acceptable and that we can prevent them quite easily.

Ms McLEISH (Eildon) (15:37) — I rise to make a contribution on the Mineral Resources (Sustainable Development) Amendment Bill 2018. As we have heard from a number of speakers before me, the bill before us primarily implements the recommendations of the Hazelwood mine fire inquiry. The Hazelwood coalmine fire of February 2014 was a pretty unusual event, and it lasted for 45 days. That in itself is really quite remarkable. It had a number of impacts on the local community down in that area. February 2014 is a very long way from September 2018. By the way, the member for Frankston spoke before me about the importance of this bill and how the Premier is not going to let the people of the Latrobe Valley down. Well, I think he has, because we know this bill is going to float in the ether for a while in the last week before the 58th Parliament rises. This bill is not going to get through the upper house in that time. So I think that the Andrews Labor government has not really supported the people of the Latrobe Valley as is being made out.

I want to acknowledge the role of the member for Morwell during that fire. Those of us that have had major events in our electorates know what is required of an MP: you really have to go over and above the amount of work that we all normally do. The member for Morwell was on the ground all the time. His office was often open on weekends, and he was certainly working very late at night a lot of the time. For him that was a very draining experience, having to support the community like he did. I commend him for the work that he did because it is not easy when you have a major event like that.

This bill establishes the Mine Land Rehabilitation Authority. Again, it is another authority being created by the government. I cannot keep track of the number of new statutory authorities that the Andrews Labor government have created, and with each one comes an associated bureaucracy. This authority is to be created by 1 July 2020. It takes over from the Latrobe Valley mine rehabilitation commissioner's current role. We are probably having a bit of a debate about what is the right thing: is it a commissioner or is it an authority?

If something needs to happen, we have got a commissioner. They have a budget. Certainly in the budget of 2017–18 there was funding there. In fact the 2018–19 budget, under 'Managing mine rehabilitation risks', provides \$5.4 million for the Latrobe Valley mine rehabilitation commissioner over four years — that is, from 2018 to essentially 2021–22. At some point by July 2020 the commissioner will be replaced by the Mine Land Rehabilitation Authority. There was either not much forethought given to establishing that authority or this bill has been a little bit of a rush job, with the government realising that perhaps they are letting the people of the Latrobe Valley down.

There will be a fund established post the closure of mines. It is important to recognise and understand that the landowner remains the same. It is a bit like the situation of one of my cousins who owns a racehorse. When the horse retired, they said, 'You still own the racehorse. You've still got to feed it and put it somewhere and house it'. So if you have had a mine, you own the land and you still have the obligations. Here the landowner will still be obligated to monitor and maintain the land.

I think this bill is looking to provide certainty so that with the closure of these declared mines — and I know there is a little bit of argy-bargy about what is and what is not a declared mine or how a mine becomes a declared mine — and with a notice of closure there will be proper planning, there will be a fund in place and that planned rehabilitation will roll out. The issues

associated with that have certainly been raised in depth, including by the lead speaker, the member for Caulfield, who is also the shadow minister.

This brings us to the fact that the Hazelwood mine has closed. I would say primarily that the tripling of the coal tax was a major influence in that. I do note, as did the lead speaker, that when there was an issue at Hazelwood with a limited timber supply the government did step in there to help out, but in this instance the government actually tripled the coal tax. They really had no plan for the closure, and they did not explore any other options.

There are a couple of other amendments being made in this bill to the Mineral Resources (Sustainable Development) Act 1990 which provide for an avenue to listen to those who support or who may be even promoting the particular project of the time rather than just objectors being heard. The amendments also extend prospecting licences from five years to seven years for small-scale prospectors and miners.

I just want to use this opportunity to briefly discuss the role of miners and prospectors and their concerns, certainly as bush users. The Prospectors and Miners Association of Victoria is a voluntary body. They were established to protect and enhance the rights and opportunities of those who wish to prospect, fossick or mine in Victoria. Their membership is really quite interesting because it ranges from prospectors who do traditional gold panning and sluicing and use metal detectors — you will often see people in various parks fossicking, using metal detectors, who might be looking for gold, gemstones or other minerals — to those that use machinery on prospecting licences. It covers quite a range of members. They constantly feel that their right to conduct these activities is under threat, and they are always quite vigilant about this.

This brings me to Bush User Groups United, which really wants to see access for all to our forests and does not want to see our forests and parks locked up. I certainly do not think that is the answer. I stood out on the steps of Parliament with the members of this group and those from the Prospectors and Miners Association of Victoria a couple of sitting weeks ago. The Bush User Groups United has about 10 000 members, and these guys go to the bush. They head out there and in the small towns they may be staying in caravan parks or they may be camping. If they are not mining and prospecting, they may be bushwalking or they may be four-wheel driving, mountain biking or hiking. I think when you look at the role that these people play in the bush — because they love the bush they want to be there and they want to see it maintained — they

certainly do not want it to be closed off. Typically those bush users will take their rubbish with them. They are one key — seeing rubbish being dumped and knowing where it is they can actually report that. I think that if they continue to have a presence in the bush, they will continue to monitor that and send alerts to those who can actually do something about it.

I remember a number of years ago being involved with a four-wheel drive club. I think we were up the back of Healesville with the former Minister for Environment and Climate Change, the member for Warrandyte, and they would GPS spots where they had found rubbish that had been dumped. Sometimes there would be car engines, sometimes there would be tyres or other rubbish, and they would actually GPS that so that staff from Parks Victoria could come in, go directly to it and remove it. So I think that people that are out in the bush are certainly there to protect it. They love their bush, and I would hate to think that there are steps in place to lock these guys out of the bush.

They are also the ones who can report on the fuel loads, and we know that forests carry an enormous fuel load at particular times unless that is managed properly. I have been alerted to the Badger Weir picnic ground at Badger Creek, which I have been to a number of times. The gates there have been locked for nearly two years since a storm, and the government have failed enormously to actually clean up the mess there and go to tender to replace the toilet block. The local community around that area are very concerned now because there has been little effort made to clean it up and it is becoming very overgrown. It is in very close proximity to quite a number of houses in the community at Badger Creek and they are worried that with this will come an increased bushfire risk. So I am certainly here to support the bush users.

With regard to the bill that is before us, I understand that there has been quite some consultation with the Minerals Council of Australia, Cement and Concrete Aggregates Australia, the GHD Group and the Municipal Association of Victoria. There is broad support from the industry, and the opposition will not be opposing this bill.

Mr RICHARDSON (Mordialloc) (15:47) — It is a pleasure to rise to speak on the Mineral Resources (Sustainable Development) Amendment Bill 2018 and make a contribution on another key piece of legislation from the Andrews Labor government aimed at supporting our communities and importantly responding to and continuing to support the community around the Hazelwood area and the Latrobe Valley. I am not sure why the member for Eildon was talking

about toilet blocks because I could not find toilet blocks in this bill. I know lead speakers get to make wideranging contributions, but I am not too sure. Half that speech was nowhere near even landing near the target on this bill. But it was good to listen to even though it was a long way off the mark. If you do not prepare for a bill and if you are trying to get your speech numbers up and that is the best you can do, good luck to you.

Obviously the Hazelwood mine fine was significant, but it took up to a month for the then Premier, Denis Naphine, to get down there. I know the member for Morwell had done a stack of work in that patch. That was his local area. He was slogging away from day one, and for all the work that he was doing it needed a bit of that cabinet support and assistance as well. The mine fire inquiry was really important though, and it answered the questions about what happened, why the responses were lacking and what we could do in the future to ensure that tragedies like this do not happen again. The health impacts on the Latrobe Valley and Morwell were substantial, and people continue to live with that legacy and those challenges today.

The member for Frankston talked eloquently about this. He does not need notes when talking about this issue because this is in his blood, in his heart and in his soul from what he and his colleagues saw on a daily basis when they were emergency services workers serving their community, going down there day in, day out and working around the clock to make sure that community was protected. To hear him speak with that passion and energy about supporting that community and the work that has been done since then to ensure that we monitor the health and safety of our fireys and everyone else that served down there as well is very critical. You hear him talk about that with that passion and that energy and you know that every single one of those emergency services workers gave their blood, sweat and tears on the field supporting that community. We thank them for the work that they did and for what they do.

I could not let the member for Melbourne's contribution go without acknowledging that we are talking about an inquiry here and there is obviously going to be a sledge at the government and anyone else who is going past about renewable energy. I find it just astonishing, absolutely astonishing, that whenever there is a bill that has got something randomly to do with energy policy it is a chance to have a crack. The member for Melbourne was part of a lobby group, the Australian Youth Climate Coalition, when the party that she joined absolutely butchered the emissions trading scheme. Their values were so strong and they were so passionate about destroying the emissions

trading scheme for the uncertainty and lack of policy direction that we now have at the federal level that she signed up to join the Greens political party.

It just sticks raw. I was working for the federal member for Isaacs, the shadow parliamentary secretary for climate change and energy efficiency, in his office during that time and I saw up close the policy work that was done and the way the Greens just constantly butchered that policy. It was never good enough. There was never a halfway step. We are not going to take lectures from the Greens political party on action on climate change when they come in with a flimsy policy after we announced that 650 000 households will have rooftop solar and an innovative policy on battery storage and capacity. They were beaten to the punch. They should just admit it. They were beaten to the punch on this one. They will claim that it was their idea too and they had it all along, but they try to come back to talk about 100 per cent renewables. The reality is that for years and years to come coal will still be part of our energy mix. It will. It will be tomorrow and it will be in years to come as we transition towards cleaner renewable energy. To just say, 'Turn it off now', does not deal with the realities of economics and sensible policy of transition.

You can just see what would happen if the Greens ever got a majority to govern in their own right. Workers would be tossed aside. We have seen the position they have taken on various issues, including in the timber industry as well. Forget the workers. Do not ever talk about working people. They are just a commodity to put to the side to put forward their agenda. Those people trying to make ends meet and trying to support their families are irrelevant to the ideology and policies of the Greens, who do not support working people and have never fronted up to support working people. That is why the Labor Party is always there to support working people.

Those conversations about the mine inquiry were forgetting the people who still work in the mines and who are still creating the energy that supports our state. That is a reality now and will be in the years to come. We owe it to those people to make sure that they are safe and protected in their workplace at all times. Statutory authorities let down people in this space, but also the companies that operate these mines and that should have a duty of care to the community and to their workforce failed. We saw throughout the inquiry various issues about safety procedures not being followed. I remember stories about sprinkler systems not being updated. The lack of such basic requirements showed the negligence of these companies and their disregard for their workforce, and they need to be held

to account. That is where regulation and the authority that has been established is so important.

The member for Eildon went on about this being 'another bureaucracy' and 'another creation of an authority'. That is an easy cop-out for a previous government that struggled to create an authority because they had nothing to have authority over. When you do not do anything for four years, what do you need an authority for? You can sit back and have an authority over at the Office of Living It Up, like the Leader of The Nationals. You can have an authority over that, but regarding the authority being created to establish safety and best practice, if you read through the bill, it is quite clear what the intentions are. As for the notion that this is just another bureaucracy, well, we have got the Major Road Projects Authority, which is a great bureaucracy building an absolute ton of roads in our local communities. There is also the Level Crossing Removal Authority. We need these to make sure these projects are delivered right. The mine authority will be very critical in supporting the overview and the safety requirements for our communities.

This is really important work. When you have a landmark inquiry, you see it through. You do not drop the bundle. You have got to see it through in years to come. A similar issue around the health and safety of people in the community and workers was the Fiskville inquiry. We are still chasing down every single one of those recommendations. I know that lives on with members who represented those communities but also with the members who sat on that inquiry. You are always seeing through those recommendations because you owe it to the people who were affected in those communities, who have suffered and whose health was impacted. We know people lost their lives as a result of this mine fire. Just like at Fiskville, those communities were greatly impacted. You want to also pay tribute to their legacy and to the people who were impacted. The least you can do is support them in their community, and you owe it to them to make sure that no other community in Victoria ever suffers the same plight again. That is the critical work of government here. It should not be narrowcast into 'It's another authority' in an effort to undermine the great work that will be done. It is important for those communities.

The inquiry itself clearly found that the legal requirements for mine rehabilitation and closure were unclear. The establishment of the independent Latrobe Valley Mine Authority by 2026 was a key recommendation put forward. We are very supportive of that and the work that has been done. We have got a lot of lessons to learn in this space. We sometimes see that statutory authorities are lacking. Listening to the

legal counsel that advised us on Fiskville, which had some crossover with the Hazelwood mine fire inquiry, it became clear that WorkSafe have to get their house in order. We have seen that they are responsible for supporting and protecting workers, and where there are issues like that, they need to step up and they need to support the safety of the workforce and those communities. Yes, there is an obligation upon the companies — absolutely — or statutory authorities. We saw that failing by the Country Fire Authority during the Fiskville inquiry, where WorkSafe were just lacking in that space. We heard that with the Hazelwood mine inquiry. They need to do more, and we need to ensure that workers are always supported and protected.

I commend the bill to the house and welcome the fact that it will not be opposed by the opposition. In saying that, really they should have been front and centre from day dot rather than leaving it to the member for Morwell, who had to do the hard yards down there reporting back up to town. It is only an hour and a half's drive down from Pakenham. Those opposite should have been on the front lines with the member for Morwell, who had to slog away for a long time in his community, making sure that all those people's inquiries were answered and that they were protected. I commend him on his work and the wider community on the work they have done.

Mr CRISP (Mildura) (15:57) — I rise to make a contribution on the Mineral Resources (Sustainable Development) Amendment Bill 2018. The purpose of the bill is to amend the Mineral Resources (Sustainable Development) Act 1990 to establish the Mine Land Rehabilitation Authority, to establish the board of the Mine Land Rehabilitation Authority, to provide for the rehabilitation of declared mine land, to provide for the establishment of a declared mine land register and to establish a declared mine fund. It is also to amend the Mineral Resources Act and to make some consequential amendments to other acts.

I am going to concentrate my contribution on only part of this bill. I am going to leave most of the declared mine areas to the member for Morwell because at present the only declared mines are in the Latrobe Valley. I am going to concentrate on part 3, clauses 50 onwards in the act, which are around the bill enabling the public to comment on the granting and refusal of licence applications. Currently only objections are allowed. The bill allows landowners and mine licence-holders to include agreements on non-financial compensation in registered compensation agreements. It also extends the term of prospecting licences to seven years from the current five years. Prospecting licences

were introduced in 2010. They have been used by small-scale prospectors and miners.

In my electorate we have some mining. As I grew up, if someone told me that we would ever have a mining industry within 250 kilometres of Mildura, you probably would have been sent off to talk to someone. But underneath our feet in the ancient seabeds are mineral sands. That has introduced another dynamic to the Mildura region's economy with mineral sands mining. In my electorate Iluka Resources have been busy for some time. Currently they are not mining, but I hope they will get underway shortly. Mineral sands were washed down many millions of years ago into a basin and are sitting at between 10 metres and 20 metres and up to 50 metres below the surface. They are in the regional groundwater table. Most are mined in my electorate by the open method — that is, they just have a large open cut. That is where we will need to talk a little later about rehabilitation.

Let us talk first about what we are mining. The heavy metal concentrate comes out of the seam that is in that ancient seabed. It is dug out by depressing the regional highly saline groundwater table with spear point bores. This creates a dry environment for them to mine. The salt water is pumped back into the mine behind as there is a regional groundwater table. Once the mineral concentrate has been mined it is put through a concentrating plant, which is just gravity and water to separate it, and then it is taken away to a separation plant. In my electorate that goes to Hamilton. Again good rail transport has been important to move this concentrate. It is heavy.

It is then divided into zircon, which is a glassy mineral used for the manufacture of household industrial ceramics and glazes, and rutile, which is titanium separated using magnetic screening techniques. The uses for rutile are refractory ceramics and brilliant white pigment for the production of titanium metal. Then you have ilmenite, which is used with the other titanium products. There is also titanium dioxide, which is whitening. You will see that in sunscreen and also in paints, plastics, paper, ink and toothpaste. Every time you brush your teeth you might be using something dug out of my electorate. That is an important industry in our region.

As I said earlier, the mine is a large trench dug down to the ore body, and the ore is extracted. The Iluka mines are the Kulwin mine and the Woorack, Rownack and Pirro mine. Some years ago I visited, with the member for Gippsland East, the Kulwin mine site, which was finished and being rehabilitated, with the member for Gippsland East. That work was being undertaken by

the Garraway Group, who are well-known earthmoving contractors who have been supporting the mining industry.

When the hole is dug you go down through several geological formations. They take the dirt out and store the overburden and then put it back in the same way it came out to maintain the integrity of the geological structure in the region. There is also the opportunity as you are going back in, with the topsoil, the Woorinen sands, to do some minor alterations to improve the soil. With the Kulwin mine, the section that we inspected had been rehabilitated. It had a couple of crops growing on it, and you could see the boundary of where the mine had been because the crops were better there. It had been put back better than it had been, and it has now returned to dryland farming. Garraway are a large firm based in Mildura, and they have been involved. Russ and his team, and Toby Garraway, who I have known for a long time, played a key role in this rehabilitation. I think local skills, dedication and understanding are really important.

There are a couple of legacy issues around mining left for the future that I cannot help but mention at this stage. Firstly, there is the issue of getting heavy equipment across the road. No mine seems to be able to avoid a road, and getting equipment across the road has been a challenge for Garraway — dealing with VicRoads and others. Then there is the residual infrastructure, which is slip lanes and some culverts and so on, which I think would be to the benefit of the community should they remain.

There are certainly plenty of resources to be developed in the Mallee region — it is estimated there are around 260 million tonnes or 50 years supply of mineral sands — and the mineral sands market is improving. I am hoping that Iluka will be underway again with their next venture. What is the benefit of mining to our small towns? It is employment, and that has certainly been the case for Ouyen. Over the time that the mines have operated mining has brought resources to that community.

The small town of Ouyen put their heads together because they were looking for a legacy project after the mine had finished. What they wanted to do was to have a recreational lake, and in the early days they received a great deal of support from Iluka to actually do some of that early planning. On 5 October they are going to open a recreational lake at Ouyen. I pay tribute to the Ouyen community. They had the foresight to think beyond the mine that was bringing people to their community and to work hard, get the whole community involved and bring people together with this purpose. It

took them a number of years to create this lake. It was hard work, but it is a legacy project where they have had to think beyond the life of the mines — two mines that were quite nearby and delivered benefits to them — and they now have a lake. That is what can be achieved when communities work together and engage with the mining industry and other contractors and people who have worked with that mining industry. They have created for themselves a legacy project.

Mining is important to my electorate. It will continue to be important to my electorate. It gives us another string in our economic bow, and the extension of those prospecting licences by another two years to seven years certainly helps take the ups and downs out of what can be a volatile market. For the last couple of years the market for mineral sands has been down. It is recovering now, but these projects do take quite some time. This is one aspect of the bill that I think is important for the Mallee — to pick the right time to have your mine, because if you open a mine at the wrong time, that can be bad for the communities around. Stopping and starting is a feature of the mining industry that can be highly disruptive in our small communities. So with those words, The Nationals are not opposing the bill.

Mr NORTHE (Morwell) (16:07) — It gives me great pleasure to rise to speak on the Mineral Resources (Sustainable Development) Amendment Bill 2018. The main purpose of this bill is to implement certain recommendations of the Hazelwood mine fire inquiry. The second-reading speech briefly refers to the Hazelwood mine fire back in February 2014, which was an absolutely disastrous time for so many people within our community. It is certainly not an episode that anybody would look back on at all fondly, and there were so many individuals, families and businesses impacted by that fire, which lasted 45 days. It would be remiss of me not to mention the commencement of that fire and pay tribute to those men and women who bravely fought the fire before it got into the mine and I sincerely believe saved lives and protected many assets within the Morwell township. Unfortunately, we believe that through the act of an arsonist that fire spread into the Hazelwood mine, and we all know what transpired over the next 45 days.

I sincerely appreciate some of the compliments afforded to me by certain members in the chamber, particularly the members for Frankston, Mordialloc and Eildon. That is really nice to hear, but the real heroes were the people who had to fight that fire.

It was an extraordinarily complex fire; it was just awful. You had to really be in the mine to get a sense of

understanding of how bad the conditions were. I pay tribute to the member for Frankston and all of his colleagues, both the career firefighters and volunteers. I think the words of Craig Lapsley at the time were that fighting the fire was like taking a bite of an elephant — they just had to take one bite at a time. In reality, to see that fire extinguished after 45 days was not only a relief — an understatement — but when you considered the complexity of that fire and how widespread it was, I think it was a pretty amazing effort by all concerned to extinguish that fire in that period of time. That includes not just the fireys of course but also the emergency services providers and all the charitable organisations and service clubs that fed the people on the ground, that supported families and that supported businesses. It was just an horrendous time and obviously any legislation that we put through this place that stops that from happening ever, ever again is something that I am fully supportive of.

The bill establishes the Mine Land Rehabilitation Authority and it talks about the authority being established on 1 July 2020. It refers to other provisions in the bill such as declared mine land rehabilitation and closure obligations and also the establishment of a post-closure fund which other members have spoken about in their contributions on this bill. There are many changes that have occurred since the mine fire. There were actually two inquiries. There was one by the former government — the coalition government — that was instigated and a second one post the November 2014 election. One of those new initiatives has been the establishment of the Latrobe Valley mine rehabilitation commissioner, the office for which is located in the Latrobe Valley. In a sense what this bill seeks to do is transition the commissioner's office into the Mine Land Rehabilitation Authority.

I can say from firsthand experience that the Latrobe Valley mine rehabilitation commissioner and his office have been out and about in the community extremely regularly receiving feedback from local community members about what is possible in terms of rehabilitation of the mines, and that is happening ongoing and very regularly. Rae McKay, who is the commissioner, is extremely well respected within the community, and I do compliment Rae and his staff for the work that they are doing. They are certainly not shying away from the difficulties that exist and the different community opinions that may exist on this particular issue, but they are out in the community regularly. Their role at the moment is to monitor and audit mine rehabilitation that is occurring within the two mines now, and as that progresses forward the transition into the authority in July 2020 also mirrors the rehabilitation strategy that is in place or the plan

moving forward, so at least we have some sense about what is possible in the future.

There are different opinions and views in terms of how the mine should be rehabilitated. The existing plan that has been in place for a period of time, if we are talking about Hazelwood as an example, is to basically fill that mine and have it as a pit lake. There are many different views and opinions again on whether something more prominent that can be utilised by the community should be in place and what the consequences are for the local community. I think one of the unfortunate issues since we have seen the closure of Hazelwood power station and the notion that the mine is to be filled with water is the potential loss of Hazelwood Pondage. The pondage has been an iconic feature of our community for a long time. It is a unique body of water with above-average temperature that is heavily utilised by local people and visitors alike. It is a very popular destination. The Latrobe Valley Yacht Club, which uses that facility, and important disability programs such as Sailability are really under threat, because with Hazelwood closed there is the potential that water from Hazelwood Pondage will be used to fill the mine, leaving Hazelwood Pondage in jeopardy. That is one of the consequences that is really being considered at the moment. There are also some structural issues with the pondage, but nonetheless it is a massive issue in our community.

When you are talking about mine rehabilitation, quarries in some sense are more simplistic in that you can rehabilitate those, return those to the community and they can be utilised for community assets and services. What we are talking about here is massive open pits, and you simply cannot fill them with overburden; that is simply impossible. I know the Greens would like to think you can just simply plant some trees or whatever and all will be good and well, but what we are talking about here are complex mines. We are dealing with watertables, we are dealing with steep batters, we are dealing with instability, and it is just not that simple. The body of work that needs to go into this is complex, it is technical, it takes time. I am a firm believer that we should be looking at world's best practice in terms of how the mine is ultimately rehabilitated. Hopefully the Latrobe Valley regional rehabilitation strategy that is being put in place, again to coincide with the establishment of the authority in mid-2020, will give some direction to the community as to what our mines might look like in the future once they have been rehabilitated.

There is also the Latrobe Valley Mine Rehabilitation Advisory Committee and some local pre-eminent people who are on that committee providing advice,

such as Susan Lloyd, Roland Davies, James Faithful, Sarah Gilbert, Ron Methel and others who are part of that. Over a period of time we have seen massive change. We have seen the bonds increase for the mines: Engie is now \$289 million, AGL Loy Yang is \$154 million and Energy Australia is \$148 million. We have seen the massive increase to coal royalties, which has also impacted not only the stations but the mines. We have seen an extension of the mine licences to ensure that rehabilitation can take place, and we have also seen the introduction of a five-year notification if a power station is to close. There are plenty of things happening, some positive and some not so positive, but hopefully this legislation will make rehabilitation much better.

Debate adjourned on motion of Ms HENNESSY (Minister for Health).

Debate adjourned until later this day.

SALE OF LAND AMENDMENT BILL 2018

Second reading

Debate resumed from 22 August; motion of Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation).

Ms VICTORIA (Bayswater) (16:18) — Today I rise to speak on the Sale of Land Amendment Bill 2018. I have to say at the outset that I am quite surprised at how speedily this bill has got on to the notice paper and got up for debate, considering there are still other very worthy pieces of proposed legislation that are sitting on the notice paper that we could have been debating, given that this is the last week of this particular Parliament. I am sure we could have gone through some of the other pieces of legislation and debated those. But anyway it is good to see that this has come to the house, even though of course it will never pass this Parliament because it does not have the opportunity to go to the upper house. I guess it means that perhaps the government did not think that this was one of the most important things on their agenda.

This bill deals with the Sale of Land Act 1962. It provides restrictions on the use of sunset clauses when it comes to residential off-the-plan contracts. It also prohibits the use of what are known as terms contracts and rent-to-buy arrangements on certain pieces of residential land. It is also about regulating money paid in respect of options to purchase under a land banking scheme.

One of the things that I am sure the government will come out and talk about is the fact that it prohibits public auctions of property before 1 o'clock on Anzac Day, and rightfully so. There is so many other things that are limited on Anzac Day, a day when we should rightfully be respectful of those who have made the ultimate sacrifice and not just served our country but also given their lives for our country and when we remember them. To be doing those sorts of transactions before 1 o'clock is not a good thing. Certainly for those of us who are always up for the dawn service I think it is good to know that there are others out there who will be having to pause, regardless of whether or not they understand what Anzac Day is about, regardless of their generation, and will be prohibited from doing any of those sorts of transactions before 1 o'clock.

The bill also amends the Estate Agents Act 1980 in respect of payments made from the Victorian Property Fund (VPF). I do want to go into that in a little bit more detail.

We are not going to be opposing the bill because I think there are some good provisions here as far as consumer protection goes. Unfortunately we are not going to go into consideration in detail on the bill and we are certainly not going to have an opportunity to do that in the upper house. There are questions that need to be answered but, unfortunately, as I say, we will not get around to them.

Clause 12 of the bill inserts new sections 10A to 10D into the principal act in relation to sunset clauses. These provisions say that the vendor has to get written consent from all of the purchasers in a residential off-the-plan situation where there is a contract if they want to invoke a sunset clause and rescind the contract. At the moment that does not happen. There have been occasions when unscrupulous vendors have gone out and taken advantage of that. They are very few and far between, because it does not pay for them to do that in most circumstances. But we know there have been some people who have done that.

What is going to happen now is that they are going to have to obtain written consent from each purchaser about the rescission, after giving each of those people 28 days written notice. Twenty-eight days, I am guessing, is probably long enough, especially in a larger estate or in a larger building where you are talking about multiple owners, some of whom may be overseas. Twenty-eight days is going to be plenty of time for that. But the fact that the consent of each and every purchaser has to be gained is, I think, going to be administratively quite complex — a bit of a nightmare on some of the largest subdivisions. I am not quite sure

how that would work in reality. In the new housing estates where there are some quite high-density or medium to high-density properties, we know that it is going to be a great challenge.

If the vendor cannot get consent from all of the purchasers, then they do have the opportunity to go to the Supreme Court of Victoria and there are new provisions for that. That is section 10D. The vendor will be able to go to the Supreme Court for an order to rescind a contract under a sunset clause. The court may also make an order to rescind the contract under that clause if it is satisfied that making an order is just and equitable. They will have to do a balancing act there, but one would assume that because it is the Supreme Court they are going to get it right.

There are other provisions. For example, the court can make any other orders that it considers just and equitable, including what they consider to be reasonable compensation for the purchaser. The bill also says that the vendor is liable to pay the costs of a purchaser in relation to the proceedings for an order unless — so we get the shift of proof here — the vendor satisfies the court that in fact the purchaser unreasonably withheld consent. It might be that everybody else has said yes, but one person is saying no and might be quite unreasonable about it, or they may be demanding extra money or compensation or something like that, so the court can make a judgement in that area.

Although we obviously appreciate the need to protect consumers and those who have gone out in good faith and purchased land or a house and land package and it may be their first home and it might be their dream to do that, we also know that to have that dream taken away is extremely traumatic and can financially set them back almost for life if they have been working towards one particular block of land. I am certainly not going to stand in the way of those sorts of provisions, but again the practicality of how this is going to be conducted is I think dubious on larger estates and larger developments.

There are also new offences in relation to the sale of land. Clause 14 amends section 12(d) of the principal act and replaces the word ‘fraudulent’ with ‘knowingly’, and that is now a lesser burden. This is in relation to disclosing certain facts about a property. There are certain material facts that would now have to be disclosed if this legislation were to go through. As I said, the burden on those involved is less, but the penalty is going to be much higher. Those who we consulted with certainly came back and said, ‘Where is the burden of proof on “knowingly”?’ Examples were

bandied about on whether the property had had a meth lab in it or a murder had taken place in it.

Obviously if you are talking about somebody fraudulently not telling somebody, so if they are asked and they do not tell them, that is very different to if they do not disclose something because they do not think it is relevant. It might be that it was hearsay that the neighbours talked about when they said, ‘Oh, 20 years ago there was a bit of a dodgy bloke who lived there’. How much of that is withholding things that are actually important if it is hearsay from neighbours and a bit of gossip? Or do you actually have to go out and start saying, ‘Okay, I need to find out what went on in that property and I need to disclose that’. If that is the case, is that really the job of the vendors if they have lived in the property or if they have owned that property and perhaps rented it out? But if somebody says, ‘Oh, no, we told the vendor about that’, then you can say that they knowingly did not disclose that. But was it relevant and was it actually factual information that they were given, or was it just gossip? I think the burden of proof on that is going to need to be very well considered, because I think it could get a lot of people into an awful lot of trouble.

Of course the guidelines for that are going to be provided by the director of Consumer Affairs Victoria (CAV). We know that at this very time the upper house is debating the Justice Legislation Miscellaneous Amendment Bill 2018. One of the provisions within that bill is about the short form of exclusive contracts, which of course was something that was signed off by the director of consumer affairs back in I think April 2010. It has left the real estate industry reeling as a result of something that has gone completely wrong through the signing off of a form by the then director of Consumer Affairs Victoria. It was passed on as being relevant and legal to the Real Estate Institute of Victoria, who then passed it on to their members to use for all contracts when it came to residential sales. We have got an issue there where things probably needed to be double-checked. We obviously have a different director of consumer affairs now, and I would suggest that there should be checks and balances in place for all of the things that are signed off. We will certainly be looking at what the guidelines given by the director of CAV will be and what sort of material facts they are going to be looking for.

There are other clauses, for example, clause 20, which inserts new sections 29EA to 29EC about terms contracts. Proposed new section 29EA prohibits terms contracts for residential land under a prescribed amount. But, again, we will not know what that prescribed amount is until after implementation. Some

very heavy penalties for non-compliance, including imprisonment, are on the table. We would like to know what the government was heading for with this one, and we would like to know what the prescribed amount will be. I feel that this is fairly important information that we do not have at this point in time. Proposed new section 29EB prohibits brokering or arranging terms contracts under a prescribed amount. Clause 22 inserts new division 5 which is to do with rent-to-buy arrangements and prohibits rent-to-buy arrangements for certain residential land.

Proposed new division 6 is around options to purchase, and it details when an option to purchase under a land banking scheme is prohibited. If a land bank scheme is allowed under this division, it ensures that the money payable by a purchaser must be held in trust until the registration of the planned subdivision or when the option to purchase expires. There will be penalties there for non-compliance. I think that is a great provision, so I am good with that one. There are lots of other provisions that are being put in here. As I said, there is clause 29, which will be a popular one, about the prohibition of public auctions before 1 o'clock on Anzac Day.

The one I want to get to is clause 30. This amends the Estate Agents Act 1980 in relation to payments out of the Victorian Property Fund (VPF). The original provisions specifically mention the Owners Corporation Act 2006 and also the Sale of Land Act, but if we have a look at the new provisions, there is wording in the explanatory memorandum that says 'under certain acts'. It does not say under the currently specified acts; it says 'under certain acts'. That raises a lot of questions for me, and I would have loved to have gone into consideration in detail about that or had my upper house colleagues take this bill into a committee stage. What we want to know is: how can the VPF funds be used? Can they be used to fund, for example, VCAT proceedings or to assist VCAT in the carrying out of their functions and duties?

I ask this because of the Residential Tenancies Amendment Bill 2018 that went through the upper house last sitting week. What can I say about that 500-page bill? I am not going to go there. It is already on the record what I think of that particular bill. There were some good provisions around minimum standards, and then the rest of it was very, very biased towards one side. One of the things that I brought up in my speech on that bill over and over again was the requirement for any disputes to be settled through VCAT. Having spoken to presiding members at VCAT, they were all scratching their heads saying, 'How are we going to deal with this workload? How are we going to resource it? We're

already under-resourced. How we can get through this? How can we do the lists? How are we going to get through the amount of people talking about whether or not they can make modifications, whether or not they're allowed pets?'. Everything has to be referred back to VCAT because of the amendment to the Residential Tenancies Act (RTA) 1997, and the burden on VCAT and its members is incredible.

When I asked at the bill briefing whether or not additional resources have been allocated for that, after some very uncomfortable movement in the room I was told, 'Well, actually, no'. There was no additional financial resourcing for VCAT to deal with the RTA other than doing a separate budget bid. We all know, and as a former minister I know, what a bid can be like. You are going to have to go in there and bat against education, the arts, sport and all the other portfolios. Does this provision in this particular bill then allow for the VPF to be raided essentially to then provide the extra resources required because of the introduction of the RTA amendment? This is something which is troubling me. If they say, for example, 'Let's use it for the residential tenancies list', we would see a very, very quick depletion of funds in the VPF. This troubles my side of politics very much. We know that there will be the influx. How it is going to happen I do not know, and this is still a big question mark for me.

If we look at the VPF figures, in July 2017 there was just over \$311 million in the fund. The year before that it was actually \$422 million. There was \$100 million gone and I know some of it went towards housing initiatives, but that money will not be there. It certainly will not be earning interest. The pool is supposed to grow, but that money will not be there to be used for housing. We know that obviously there is the threat of greater homelessness due to the RTA. What will be left for housing initiatives if that money is in fact depleted because it is being used for the residential tenancies list? I think there are a lot of questions there.

Obviously the fees from lots of things — for example, the licence fees paid by estate agents and conveyancers and penalties under the estate agents legislation and that sort of thing — go to the VPF. But that is how it grows and it is supposed to be used for housing and all sorts of other good things. I think we actually used some of it for Kids Under Cover and those sorts of projects when I was minister. If it is spent on VCAT then it will not be there for housing, so that troubles me.

There are some things in this bill — for example, not having auctions before 1 o'clock on Anzac Day — that are good and workable. I commend the government for bringing that in; I do not know why it was not there

before. I do know that there have been some absolute fiascos in the consumer affairs portfolio under this government. I would hate to think that this was another one in the making with the number of questions that are sitting here on the table and are unanswered.

As I said, we are not going to oppose this, but that makes no difference. It is not going anywhere; it is not going to the upper house. I have always said that our job as parliamentarians — it sounds very altruistic — is to actually leave the place better than it was when we found it. I have always lived my life that way. When I started volunteering when I was 13 years old I started treating the world in that manner. I want to actually make a difference before they put me in the earth — hopefully I have many, many years to go. I think there are opportunities for us as members of Parliament and certainly when we are ministers to make a real difference. I do not know that this bill is going to do all that.

Mr CARBINES (Ivanhoe) (16:37) — I am very pleased to talk on the Sale of Land Amendment Bill 2018. Again, as has been touched on earlier today, 260 bills have passed the Assembly during this government's term. It just goes to show that the work never stops for the Andrews Labor government. Again here we are debating and working towards seeing the passage of another piece of legislation in this term of the Andrews Labor government.

I should just cover off a few of the aspects relating to the bill. Some of the amendments that we can expect to discuss through the course of this debate will of course be prevention of developers unfairly rescinding signed residential off-the-plan contracts under sunset clauses in order to take advantage of increased property prices that would otherwise benefit purchasers. That is important also because one of the other aspects that we will be considering in the amendments will be to address that predatory conduct that we have seen in the alternative housing finance sector by prohibiting unaffordable and high-risk terms contracts for lower value residential property and rent-to-buy arrangements — with some exceptions, of course. Thirdly, the bill will close the regulatory gap that has enabled unregulated and problematic land banking schemes to flourish. It will strengthen the existing offence of fraudulently concealing material facts about a property for sale, which is of course with the intention of inducing another person to buy that property. It provides for the making of guidelines to assist vendors and estate agents to understand what is a material fact. Lastly, the bill will restrict public auctions of land from being conducted before 1 p.m. on Anzac Day. I know that has broad support from not

only the Real Estate Institute of Victoria but also many stakeholders in the community. Anzac Day is, of course, a particularly sacred day in not only the Victorian calendar but nationally across the country.

During 2016 and 2017, as part of the broader consumer property law review, the Andrews government reviewed Victoria's sale of land and business laws. That review led to this package of reforms addressing consumer concerns in the Victorian property market. In many electorates and certainly across the Ivanhoe electorate there have been some significant residential developments with opportunities for people to purchase off the plan. That has been so particularly through Heidelberg and some parts of Ivanhoe where the value of land is very significant. There has been a desire to see some high-density development so that more people have an opportunity to live in our community, close to the city centre and local services, but also so that those in the local community who seek to downsize from local properties that over many years have become particularly valuable pieces of land can do so. People in the past may not have been able to stay in the local community because they have been able to afford to buy something new and modern with high ratings in relation to sustainability. Their properties are of significant value and now they are able to afford something new and modern in the local community where they have grown up. That has been a big change from some of the problems that we have had in the past. Certainly people in my community who have made a contribution, having grown up and lived locally, have not been able to afford to downsize because the housing type in the community has been very limited. People have been rattling around in large homes worth significant amounts of money. They have not necessarily been asset rich but they have not been able to maintain a standard of living and meet their commitments.

A lot of change has happened. While that can be difficult in a planning context, in my community it has also been beneficial. It has allowed people in the community to downsize by being able to purchase properties in the local community. They have been able to add to their superannuation and savings and continue to live in the community where they have raised their families, worked and made a contribution and where they have decided to stay because they have their social connections there.

In providing those really positive aspects with the opportunity to potentially buy off the plan or invest in opportunities that arise locally, it is really important, in considering some of these amendments in the Sale of Land Amendment Bill, to also consider some of the consumer affairs matters that relate to individuals and

the most significant purchase that they make in their lifetime, most notably their home, and to ensure that the safeguards are appropriate. There are also people who are new to the market. These days more often than not people who are fortunate to be able to have the support of family are able to purchase in communities in inner suburbs such as those in the Ivanhoe electorate. They are particularly expensive places to live in for first home buyers, in many cases just impossible. It is also important that there is the opportunity to buy off the plan or in smaller inner developments of apartments across the electorate, which in some cases are very impressive. Some people may well find that there is an opportunity for them to make those first home purchases. We need to make sure that the law adequately protects them from developers and those who seek to sell those properties to people who perhaps have not had the experience of purchasing a home or have not gone through that experience many times. We can always learn, and we need support in the way in which we manage those processes.

I know that many local people, as they approach retirement and have downsized from their family home, have had the opportunity to purchase smaller and more modern accommodation across my electorate. That brings with it benefits for those people and for our community because we want to keep those people local. They are great volunteers and community contributors. They add a lot to the community in which they have grown up and they are also great advocates. What is important is to have planning changes that provide opportunities for diversity in housing type, to give more people the opportunity to stay local in a community that is rapidly seeing an increase in housing costs. The days of people moving just up the road when they move out of home have long gone. It is a great place but a very expensive place to live in, where the median house prices in particular suburbs in parts of my electorate are well over \$2 million. That puts great strains and stresses on people when their ambition is to live in the community where they grew up but you can imagine that it also leaves open the opportunities for people to be exploited and to be let down by unscrupulous operators when it comes to the sale of land. They are the sort of aspects that we are addressing in some of the changes and amendments outlined in this bill.

Of particular interest to me is some of the work to prohibit certain terms contracts and rent-to-buy arrangements. The bill introduces a prohibition on selling residential land other than agricultural land under a terms contract where the sale price of the land is less than the prescribed amount and a prohibition on selling residential land under a rent-to-buy arrangement, with certain exceptions.

On sale of land matters, it is interesting in a broader context that locally we are about to go through a Bellfield master plan in relation to significant landholdings owned by Banyule City Council. Several portions of that land were former schools sites sold by the previous Baillieu-Naphthine government to Banyule City Council. Obviously Banyule City Council had obligations when it purchased those school sites with ratepayers funds, and they also gave public commitments to build community infrastructure in those communities — in particular a basketball stadium in Bellfield and the redevelopment of a community centre in Bellfield, but those projects of course never came to pass. We have seen significant residential developments on two of those three school sites that were sold by the previous Liberal government to Banyule City Council, and we have not seen the community facilities being built or the return of those services to the community when the council chose to play the land speculator card with ratepayers funds and build more properties.

So I am interested in the latest draft of the Bellfield master plan in relation to the 3081 community not only because it incorporates significant landholdings on Oriel Road and Banksia Street and the community centre in Bellfield, where I was previously on the committee of management going back, but also because of the Royal District Nursing Service site, the HiCity site and the old Banksia secondary college site. It will be very interesting to see the community's reaction to some of the height proposals from Banyule City Council in relation to that land and the not great track record of delivering the community services, along with residential development, when the council seeks to play the land speculator card with ratepayers funds. That is a story to be continued.

Mr CRISP (Mildura) (16:47) — I rise to make a contribution on the Sale of Land Amendment Bill 2018. The purpose of the bill is to amend the Sale of Land Act 1962, to provide for restrictions on the use of sunset clauses in certain off-the-plan contracts, to prohibit the use of certain types of terms contracts and rent-to-buy arrangements, to regulate money paid in respect of options to purchase land under the land banking schemes and to make consequential and other amendments. It also amends the ANZAC Day Act 1958 to impose restrictions on public auctions on Anzac Day and amends the Estate Agents Act 1980 in respect of payments made from the Victorian Property Fund.

There are a number of aspects to this bill that are important, particularly in relation to residential off-the-plan contracts and sunset clauses and the power of vendors to rescind residential off-the-plan contracts

under a sunset clause, and also there is information that needs to be involved in the sunset clause. But firstly in order to get to a sale of land there needs to be a supply of land. What I would like to see in this legislation, which has some of those words in there, is that it takes up the issue of first home buyers and families wanting to build their own homes. Again, as I said, it is about the supply of land.

Mildura has a planning scheme where they have broadly zoned a great deal of land that can be developed for housing. The Mildura economy is strong; however, what we do have is some issues with local government in delivering that zoned land through the process to be ready for the market. As I said, Mildura's economy is strong, and that is supported by the Victorian skills commissioner's report that is now nearly a year old. The skills commissioner reported that the workforce demand for the Mallee, which is Mildura and Swan Hill, will be 'between 2900 and 4400 new workers from 2017 to 2020'. This is starting to show through because there are already some shortages occurring in the Mildura economy.

All these people are going to need somewhere to live, but first: what are the sectors that are going to employ these people? They are horticulture, hospitality and tourism, construction, manufacturing, transport and logistics, retail trade, health care and social assistance. That is a pretty broad spectrum of job opportunities for those who come to Mildura, but again they do need the opportunity to not only take up that job but also take up a house. There are some supply issues that have occurred with the Mildura Rural City Council. They need to be busy in the good times to take advantage of them and help us build a stronger economy. As I said before, there is plenty of land to be zoned up but the process of subdividing and approvals is one that is frustrating developers and is certainly frustrating the market.

They have had quite a bit of notice on this because the *Sunraysia Daily* back in June reported, 'It's fruitful for property', which is a good pun for Mildura. The article states:

Valuation firm Herron Todd White upgraded houses in Mildura to a 'rising market' in its latest property report.

The firm each month publishes a 'property clock' to indicate what stage of the cycle different housing markets around the country are at.

Mildura has moved up from 'start of recovery' to 'rising market'.

PRD Nationwide sales executive Gary Castleman said:

... buyers were weighing up the increased cost of land to build on against finding an existing property and choosing the latter.

The extended period of historic low interest rates and home owners electing to renovate rather than trade up were also considered factors.

He said:

It's supply and demand ... buyer inquiry hasn't dropped off ...

I think that is a real estate agent's dream — that there are still 20 people coming to open for inspections — but instead of doing four or five opens they are only doing two and that has pushed the prices up. So there has been strong demand there in Mildura. Just for the record, according to the Real Estate Institute of Victoria, Mildura's median house price had risen \$10 000 in the first half of this year. So we have that strong demand, and we need to work out where the bottlenecks are and do our best to overcome those.

The process of subdividing and approvals is complex, and one example of how the whole system can grind to a halt is that around Telstra provisioning. If you are doing a subdivision, you are required to put the pits and pipes in for all the services, and then the services are installed in those pits and pipes. This is where Mildura council is a little different to some municipalities. They will not release the land to go to the titles office, to then have something to be sold, until Telstra actually put the cable in the pipe. Now Telstra assure me that if someone wants a fixed line, they will have it there by the time the house is built, but doing it at an early stage, and particularly as so many homes are not having fixed lines anymore, they are not able or willing to put a cable in a trench or in the pits and pipes very early in the process when there is not even a land title and the prospect of a customer for Telstra is probably a year away.

So I think Mildura Rural City Council needs to grasp the moment. Mildura council needs to streamline their processes so that the bill we are debating here today has some relevance to the sale of land and methods by which land can be sold are being delivered. Also, Mildura council do have, they tell me, some financial problems and that they are struggling to provide the services that they need to. But there is also a need to spread the rate burden around, and the opportunity to have more houses equals the opportunity for more rate notices. You would think, too, that that would be a driving force for the council to move quickly through, particularly when the market is strong, as I evidenced earlier.

We need to get confidence back into that system, because the confidence is strong out there. There are people wanting to buy and people wanting to build. I have discussed this with the mayor, and it was with some frustration that he even made the comment to me that he was tired of hearing from people that, 'It's easier over the river'. Mildura is a border town, and there is a different state and a different local government on the other side of the river, and there has been frustration expressed to me and obviously to the mayor that it is a whole lot easier to take the housing over the river. That will eventually also impact on some of the jobs.

There is an opportunity right now for us to take advantage of what are very strong times in the Mildura economy. There are many jobs listed by the skills commissioner to be filled in our economy. We need to bring people to Mildura to fill those jobs, and we need them to live in Mildura. I do not want Mildura to become a fly-in, fly-out town; that is not my vision for the future for Mildura. We have a strong economy that does need workers. We are running out of the alternatives to make sure that we can meet that strong demand over the next few years before, perhaps, as Herron Todd White said, the cycle turns on us, or we will then see a flood of real estate development on the other side of the river. That does have some benefits to Mildura, I concede that, but these are things that naturally, being parochial, I am looking to see occur in Victoria, not across the river from Mildura. With those words, The Nationals are not opposing this bill.

Mr PEARSON (Essendon) (16:56) — I am delighted to make a contribution on the Sale of Land Amendment Bill 2018. What has been described to me is that Australians' relationship to land ownership is a bit like the Americans' relationship to gun ownership: it is something that is near and dear to many of our hearts.

A bill like this is fundamentally important because it is seeking to address systemic market failure in particular areas of activity. Now we can try to educate people, we can all try and encourage people to, for example, read Scott Pape's regular column in the *Sunday Herald Sun* about becoming more informed and better advised about finances and purchasing. But invariably there will be a failure, where people will not be able to necessarily read it, grasp it, understand it or be across it, and there is always the risk that people will be prone to certain scams or unconscionable conduct by people in the field. That is why a bill like this is so important; it seeks to provide a better, more certain, regulatory environment.

One aspect of the bill relates to rescinding the ability for developers to use sunset clauses when property prices increase. An example of this is that someone buys a

property off the plan, puts down their money — it might be, say, a half-million-dollar dwelling, apartment or unit — and the property value increases, so they might be sitting on a paper profit of, say, \$50 000 or \$100 000. There is the capacity for the developer to rescind that contract of sale and basically capture that value that has been created over the passage of time. What the bill is seeking to do is basically ensure that that can no longer be the case.

These contracts are longstanding. They can certainly go the other way. I recall that 333 Collins Street, which is a magnificent building in Collins Street, was actually financed by the Bank of South Australia in the late 1980s. I think it might have been Becton that were the developers. They had a contract in place for that particular building where the Bank of South Australia agreed to purchase the property at a certain price. The problem for the Bank of South Australia at that stage was that when that contract matured it was at the time of the recession — I think it was the early part of the recession, so it might have been 1990, 1991 — and Becton exercised that option for the Bank of South Australia to buy that asset, and it sent the bank broke. That is an example of, on the other side, where you can have a contract that is enforceable and that can lead to these outcomes.

I think it is very important that if there is an uplift in value it is captured by the person who has bought a property off the plan. Certainly in my electorate there has been a significant increase in population growth. There has been a significant level of residential infill, and for younger Victorians the ability to be able to purchase an apartment rather than a house is becoming more common, particularly in built-up inner urban areas. That becomes their first purchase. I suspect that you will find increasingly with people in their 20s and early 30s that if they start a family, have a couple of children, and they get promoted and progress through their careers they might then sell that apartment and buy a house. I think we will start to see more of that occurring over the course of the next decade or so.

That also means that you will see more of these sorts of developments come to the fore. You will see a higher rate of apartment living being chosen by people, and there is a greater risk, I suppose, that in the event that you see a continued increase in property values, because the population is growing so significantly, people might miss out. If you have got the capacity for people to capitalise on that uplift and increase their equity in their home just through the passage of time, I think that is a very good thing.

The bill also looks at trying to stamp out rent-to-buy arrangements. One of the challenges with rent-to-buy arrangements is that people rent a place and they pay a premium on top of that rental in order to then build up a nest egg to ultimately buy the property. The problem that has been exposed by these initiatives is the fact that often there is no real capacity or way for people to ever be able to purchase the home because of the way in which these schemes are constructed. Certainly if you are the financier, if you are pushing this financial instrument, you are getting effectively an annuity payment on a fortnightly or monthly basis as the rent cheque arrives. But it is taking money out of the hands of people who are probably vulnerable — people who might be struggling to try and save up sufficient funds — when those people could be saving it themselves. I think you will probably find that with most of these sorts of financial instruments someone is clipping the ticket every step along the way. The problem with that of course is that that is a real transfer of money from working people back to the financiers. As we have seen with the banking royal commission, you do potentially end up in a situation where there are fees being paid for no service and it is not realised.

The bill also looks at trying to address some of these unregulated and challenging land banking schemes. I think land banking schemes have been going on for a very long time. They have certainly been around for a long period of time. Where they are properly run and properly managed they can be quite profitable to the members of a particular syndicate. As I think we have seen over the last 15 to 20 years there have been plenty of examples where someone has said, 'Look, I've got this scheme, give me your money and we're going to buy some land on the fringe, we're going to develop it, you're going to make a fortune', and often that does not happen.

Not far from my electorate — I think it was in the electorate of Footscray — Westpoint went broke around the time of the global financial crisis. That was an example where the proponent of that scheme was out there trying to encourage people to invest in his land banking options and it was frankly nothing more than a scam. I think that is a real problem, a real challenge and I think it is incumbent upon us to make sure that there is the ability to ensure these things do not happen.

The other point I would like to make is around strengthening the existing offence of fraudulently concealing material facts about a property for sale. I suspect that where there has been, for example, a homicide that has occurred in a property, it is probably reasonable to expect that someone might be able to find out about that through their normal due diligence, but it

is not always the case. I know that not far from where I live there was a house that was the scene of a double homicide not that long ago and that house was vacant for a long period of time before it was sold. Clearly where you have got an incident where a particularly gruesome or violent crime has occurred that will have, all things being equal, a deleterious impact upon the value of the property and therefore there is a need to make sure that that information is communicated. Sometimes it might be in the public domain but often it is not, so making sure it is a requirement that that is communicated is important.

The thing that concerns me more is where you are looking at drug labs that have been built in homes, because if there is a police raid and they find a meth lab in a particular house, you would not necessarily know that that is the case. You would not have that visibility and you would not be aware of it. I think we have seen in recent times that there have been plenty of examples where the levels of toxicity in these homes where there were meth labs has been quite significant. That can have a huge impact on the tenants and it can also have a significant impact on the landowner or the landlord because they have to then potentially demolish the house to make it safe.

The bill is a very good piece of legislation. It seeks to address some of these failures that I have identified so far and it is also about making sure that there is a restriction on public auctions of land being conducted before 1.00 p.m. on Anzac Day. I think that is an important step and I think that is appropriate. On that note, I commend the bill to the house.

Ms THOMAS (Macedon) (17:06) — I am very pleased to rise today to speak on the Sale of Land Amendment Bill 2018. This bill makes amendments to prevent developers from unfairly rescinding signed residential off-the-plan contracts under sunset clauses in order to take advantage of increased property prices that would otherwise benefit the purchasers. It addresses predatory contact in the alternative housing finance sector by prohibiting unaffordable and high-risk terms in contracts for lower value residential properties and rent-to-buy arrangements with some exceptions, and it closes the regulatory gap that has enabled unregulated, problematic land banking schemes to flourish.

As you have also noted, Acting Speaker Pearson, the bill strengthens the existing offence of fraudulently concealing material facts about a property for sale with the intention of inducing another person to buy that property, and it provides for the making of guidelines to assist vendors and estate agents to understand what is a

material fact; and to restrict public auctions of land from being conducted before 1.00 p.m. on Anzac Day.

This bill is fundamentally about fairness. It is about ensuring that people seeking to make what is, for most people, the largest single financial investment in their lifetimes are properly protected by legislation against unfair and unscrupulous acts by others. I might say that this is a bill that I think very nicely complements this government's comprehensive Homes for Victorians package.

Homes for Victorians is a piece of work that I am particularly proud to have seen this government deliver. As I have said, this is the first time in this state we have seen such a comprehensive package put in place to really address the issues of housing insecurity and housing affordability and of course recognising and addressing the very real concerns being faced by renters. We have a two-tiered housing system where people who rent have historically been treated very poorly and have not really been able to treat their houses as their homes in the same way that those of us who are lucky enough to have been able to get loans and purchase homes have been able to do.

We have made some really significant reforms in this sector and this is a bill that complements those. The primary objective of the bill, as I said, is about fairness and about protecting consumers from unscrupulous developers and financiers who, the unfortunate truth is, are out there and are willing to prey on people when they are at their most vulnerable or indeed when they are, as I have said, seeking to make an investment in what will be their pride and joy — that is, the family home.

The detriment that consumers are experiencing has arisen as a result of off-the-plan developers unfairly terminating purchasers' contracts using sunset clauses; terms, contracts and rent-to-buy arrangements for residential land being broken in circumstances where the contractor arrangement is highly unlikely to succeed; and certain land banking schemes' promoters selling unsophisticated investors options to purchase land in schemes which never materialise and then spending investors' money — in other words, absolute shonks operating in the market to exploit the vulnerable. The bill in particular addresses this in relation to sunset clauses. Off-the-plan contracts commonly include provisions giving the vendor-developer the right to end the contract if a plan of subdivision for the development has not been registered by a specific date. These clauses are known as sunset clauses.

This government, with the Minister for Consumer Affairs, Gaming and Liquor Regulation at the table, undertook a review of these practices. During that review it received much correspondence from Victorians who have bought properties off-the-plan and whose contracts appear likely to be terminated by developers under sunset clauses. In many cases people have seen development of their properties stall for unknown reasons in circumstances where their requests for updates from developers have been ignored. In some of these cases purchasers' contracts have been terminated only for the developer to subsequently register the plan of subdivision and offer the property for sale at a higher price. Developers have also threatened to use sunset clauses to terminate signed contracts unless purchasers pay additional sums representing the growth in property prices since their contracts were signed. Purchasers confronted with this scenario may be able to take legal action against the developer. However, taking such action is often beyond the means or risk appetite of most Victorians.

The bill therefore amends the Sale of Land Act 1962 to prevent a residential off-the-plan contract from being terminated by a vendor pursuant to a sunset clause without either, A, the purchaser's written consent or, B, an order of the Supreme Court of Victoria. In determining whether to make an order permitting the rescission the Supreme Court must consider a wide range of factors, including whether the vendor has acted unreasonably or in bad faith and the reason for the delay in registering the plan of subdivision. These amendments are significant. The state does not normally interfere in private contractual arrangements, and generally a purchaser wishing to challenge a contractual term benefiting a vendor to which the purchaser has agreed would be required to take legal action. However, the extent of consumer detriment caused by developer misuse of sunset clauses and its impact on Victorians' confidence in the off-the-plan market warrants a legislative solution. We know that New South Wales has enacted similar reforms, and in the three years since the passage of that legislation the New South Wales Supreme Court has only considered three vendor applications for orders committing the rescission of their contracts. What this suggests is that the New South Wales legislation has served its intended purpose of creating a strong incentive for developers to use best endeavours to complete their projects.

The amendments, other than an offence provision, will commence on the day after the day on which the bill receives royal assent and will apply to, A, existing residential off-the-plan contracts entered into and enforced immediately before commencement, and B, new residential off-the-plan contracts. In this way the

reforms not only benefit future off-the-plan purchasers but also purchasers whose existing contracts could potentially be terminated by developers using sunset clauses.

To prevent developers from rushing to rescind existing off-the-plan contracts before the bill passes in an attempt to ensure that they are not subject to the sunset clause reforms, the Andrews government in this legislation has made it clear that a vendor's rescission of a contract under a sunset clause after the date on which the bill was second-read in Parliament will be ineffective unless it occurs with the purchaser's consent. Purchasers also have a contractual right to terminate if a plan has not been registered by a certain date, and in the absence of contractual rights the Sale of Land Act gives purchasers statutory termination rights and the amendments made by the bill will not affect these rights.

The bill also prohibits certain contracts and rent-to-buy arrangements by, A, introducing a prohibition on selling residential land other than agriculture land under a terms contract where the sale price of the land is less than the prescribed amount, and B, a prohibition on selling residential land under a rent-to-buy arrangement, with certain exceptions.

As I said at the beginning of my contribution, this is a comprehensive bill. It addresses a number of activities in the development sector. It particularly impacts people in the growth regions of our state. I note the member for Yan Yean is in the house, and I am sure she will be talking about how this impacts her constituents in particular. Within my own electorate of course we enacted that the Macedon Ranges shire be declared a distinctive area and landscape by the Minister for Planning, and of course it is subject to its own planning restrictions. I am very proud of that piece of legislation. It works to protect the Macedon Ranges shire, which has many unique environmental and cultural characteristics, and the traditional owners' history and cultural contribution.

We need to protect that shire against inappropriate developments, so I do not see that this bill will particularly apply in my electorate. However, it is one that is targeted at more vulnerable people in our community — people who are at risk of being ripped off. It is an excellent piece of legislation. I really commend the Minister for Consumer Affairs, Gaming and Liquor Regulation for bringing it to the house. As I said, the bill complements our comprehensive Homes for Victorians package, and I commend it.

Ms GREEN (Yan Yean) (17:16) — I have great pleasure in joining the debate on the Sale of Land Amendment Bill 2018, and I am pleased to acknowledge the presence at the table of the Minister for Consumer Affairs, Gaming and Liquor Regulation, who introduced this bill and has led the work in this area. I know that like me she represents a rapidly growing electorate where there is a high volume of contracts of sale and particularly new home sales.

On the details of the proposal before the house, the bill will amend the Sale of Land Act 1962 to prevent developers from unfairly rescinding signed residential off-the-plan contracts under sunset clauses in order to take advantage of increased property prices that would otherwise benefit purchasers. This is the most significant part of this bill before the house that I would like to address in my comments, and I will come back to this point. The next part of the bill before the house seeks to address predatory conduct in the alternative housing finance sector by prohibiting unaffordable and high-risk term contracts for lower value residential properties and rent-to-buy arrangements, with some exceptions. It will close the regulatory gap that has enabled unregulated and problematic land banking schemes to flourish; strengthen the existing offence of fraudulently concealing material facts about a property for sale with the intention of inducing another person to buy that property; and provide for the making of guidelines to assist vendors and estate agents to understand what is a 'material fact'. Finally, the bill includes amendments to restrict public auctions of land from being conducted before 1.00 p.m. on that most sacred of days when we should all be pausing and remembering those that have served our country and those that have served New Zealand, and that is Anzac Day.

On the first point, I was very pleased to read an article in the *Whittlesea Leader*, which welcomed the introduction of the bill. Under a headline of 'Sun sets on dodgy practices: push for contract changes successful' this article states:

Whittlesea council is celebrating a win for homebuyers after it successfully lobbied consumer affairs minister Marlene Kairouz to end practices used to rip some buyers off.

On 22 August, the minister announced sunset clauses, which allowed developers to delay projects in order to terminate signed contracts and resell properties at a higher price, would be restricted.

Under the Sale of Land Amendment bill, off-the-plan contracts with sunset clauses can only be terminated with the buyer's consent or by order of the Supreme Court.

The new law was in line with NSW and Queensland sunset clause rules.

Cr Tom Joseph, who put a motion to the council to request the minister make changes in June, said he was pleased with the outcome.

Cr Joseph said he was aware of a number of cases —

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

Quorum formed.

Ms GREEN — It should not be surprising that those opposite, who have ceased speaking on this bill, would call a quorum, because although they indicated with their one single speaker on this bill that they would not oppose it, we know that they are never in the consumer's corner. I congratulate Cr Tom Joseph and others in the City of Whittlesea for the City of Whittlesea to have backed this change in and to have stood up for the many, many people who are choosing to move into that great municipality. I also want to stand up for the consumers who feel that they have a right to know, and to make sure that there is an offence for fraudulently concealing material facts about a property for sale.

I have numerous people in my neighbourhood who are deeply concerned at the moment that they have been living next to a former goldmine, which has caused at least one family to have to move out of their home. This is despite there being an independent report from 1998 that said this land should never be developed for residential development. I know my opponents have said, 'Oh, I've spoken to the developer' and 'The developer's not a bad person' and 'The council hasn't done anything wrong'. Well, the fact is that somebody has.

We need to strengthen the law so that people do not buy properties without the knowledge that their children could be seriously injured and have their health impacted. Facts like that should be on titles so that people know and so that it is reflected in the price. It also assists consumers to make a decision. A former Nillumbik councillor sold one of those properties in Fraser Street, and he is an engineer so he ought to have known better. He would have known what council officers knew: that that site at 50 Fraser Street posed a risk to health. This development, which began in 1988, is actually the estate that I live in. I am fortunate that I am only a renter, but I am concerned for everyone in the neighbourhood because they have had information kept from them that has now placed their families at risk.

I am proud to nail my colours to the mast and to speak on this bill, unlike those opposite. They have only had one speaker who, in a mealy-mouthed way, is backing

in the rights of consumers in purchasing a home. We are giving a great lifestyle to people living in the north, and we are providing infrastructure for them. Not only do we want to make sure they have got neighbourhoods to live in with great schools but we also want to make sure that when they put their money down for a deposit that money is not going to be held while they are led up the garden path for months and months and maybe years, and after which a sunset clause is used to say, 'Sorry, you might've thought you were about to purchase a home in your dream estate. Well, now you're not'. We in government will stand up for those consumers buying homes. We will also close the regulatory gap that has enabled unregulated and problematic land banking schemes to flourish in places like the outer suburbs.

Those opposite are led by a former planning minister who oversaw rampant urban development without fair clauses in contracts and also, fundamentally, no investment in infrastructure, zero dollars invested in arterial roads and cuts to public transport. That is what those opposite do, but we on this side are always concerned about fairness. We will be on the side of people ahead of corporations. If those opposite get in, they will be about cuts and looking after their mates in big corporations. We will always stand up for people living in the suburbs. We will look after their money and look after their greatest investment by supporting development in new estates. I commend the Minister for Consumer Affairs, Gaming and Liquor Regulation, who is at the table. I thank the public servants who have worked on the bill, and I commend the bill to the house.

Ms HALFPENNY (Thomastown) (17:26) — I rise also to speak briefly on the Sale of Land Amendment Bill 2018. This bill amends the Sale of Land Act 1962, and it is to implement the key findings of a public review of Victoria's sale of land and business legislation that was conducted through the government's consumer property law review. I note that the minister responsible for this area around consumer law is in the house, and I commend her for her work.

What this review found was that there was ongoing unfairness for consumers in the Victorian property market due to the predatory conduct of developers, unfair finance schemes that targeted Victorians and regulatory loopholes in the current act. The reforms proposed in this bill reinforce the current protections provided to Victorian consumers in the property market. They also attempt to fix up loopholes and strengthen the law when it comes to the protection of consumers, particularly when it comes to the purchase of land.

One of the most significant and important reforms that this bill seeks to make is to restrict the use of sunset clauses without a purchaser's consent. I was actually shocked to find out that there have been a number of residents in the Thomastown electorate, in the new growth areas of Wollert and North Epping, who have been disadvantaged by this loophole that developers have used. It has caused them all sorts of hardship. A sunset clause allows a vendor, as the owner or the person selling some land, the option to end an off-the-plan contract if that plan of subdivision is not registered by a specific date or if an occupancy permit has not been issued by a specific time. Therefore purchasers can lose the contract and the vendor can resell that property. In cases in the Thomastown electorate they were selling them for much higher prices. When I am talking about developers, these were very small developers, not the well-known, well-established developers in the area that have certainly not, as far as I know, been engaged in this practice. In fact they have also condemned this practice.

What these small developers — fly-by-nighters, I guess you would call them — were doing was selling a parcel or block of land to a person who wants to own a home. That person would pay a deposit to the vendor, and who knows what was done with that money in the meantime. When it got to the point where the rest of the money was to be paid and the ownership changed to the person buying the land to build their house, the contract was cancelled. Yes, the deposit was given back, but then it was found that the same block of land would be sold to somebody else. Because prices had gone up so much within that 12 or 18 months, there was an extra windfall to the vendor. They might be getting an extra \$50 000, \$60 000 or \$80 000 for that land by selling it to somebody else. This created some huge disadvantages for some of the residents of the Thomastown electorate.

A number of them had actually relocated their families from Sydney to Melbourne, particularly to live in the area of North Epping and Wollert. In particular many from the Australian-Pakistani community were moving to the area to live specifically in North Epping or Wollert because of Al Siraat College, which was established in the area. This is an Islamic college that I would have to say is a really fantastic institution of education. It is so involved in the community. It does so much work within the community. It has a real social conscience, I guess you would say. It has become a very popular school for a number of residents of Thomastown, particularly those of Pakistani-Australian background. When these residents were unable to secure the land that they originally thought they had purchased to relocate there, they had a problem

whereby the land was so expensive that they could not afford to purchase a new block of land, and they are continuing to rent.

This was brought to my attention, and it has been an issue that has gone around and has been happening in many of the high-growth areas in the outer suburbs of Melbourne. I am really proud to be here as a member of the Labor government to see legislation such as this being introduced and debated in the Parliament. Of course we are in our last sitting of the Parliament for this term, but I think it is still important to be debating these bills. I am sure that if the Labor government is re-elected, this legislation will be implemented — as long as we can get it through the upper house of course.

One of the problems is that when there is legislation as important and as urgent as this that protects people from incredibly shonky others, we want to get this legislation passed, but in the upper house we have got the opposition just filibustering and holding things up. They are deliberately delaying stuff so the legislative agenda of the government is frustrated to the point where people are missing out on their rights because legislation is not getting through the upper house. The opposition might be too gutless to oppose legislation in the upper house that is good for Victorians and consumers, so they just say nothing about it and make sure that it drags on and on and on and that we cannot get it through in a timely manner.

When talking about this problem of the sunset clause, I would like to make particular mention of a resident, Mr Rana Shahid, who was very actively advocating and lobbying for, I think, something like 14 or 15 potential homebuyers who had suffered the issue of the sunset clause being abused. He was very effective in getting those people together. We were able to get all the details, and we sent them all through to the office of the Minister for Consumer Affairs, Gaming and Liquor Regulation. These were good examples and case studies that could be used to show where this legislation was not being used in the proper manner. Of course there may be a need in some cases for sunset clauses where a developer or property owner is unable to develop land for whatever particular reason and therefore the sale has to fall through, but this was deliberately constructed in order to make an extra windfall. It was really ripping off the people who were buying the land.

This legislation is another example of the Andrews Labor government standing up for Victorians and making sure that consumers are protected and that potential home owners — people who want to buy land and build their home — are protected. I am very sorry

to see that in this term at least it will not be able to get through this house as well as the upper house in order to be something that people can celebrate before the election in November of this year. I hope that at least the residents of Thomastown will see that the government is very much committed to reforms of this manner. I am sure and I hope that if we are re-elected this legislation will get through with retrospectivity.

Ms GRALEY (Narre Warren South) (17:35) — I have the unexpected pleasure of speaking on this bill this afternoon, the Sale of Land Amendment Bill 2018. In contemplating that task I was thinking about buying and selling property. It really is one of the most challenging responsibilities people undertake in their lives. When buying that new house or apartment and selling that house or apartment, you really need to know what you are doing in this space, I believe. Too often you hear of ghastly stories about people who have been taken down or who have been left with a less than satisfying experience from partaking in the real estate market. I know it is a very stressful time because I recall reading not so long ago that buying and selling property — selling your house, packing it up, putting it out to a nerve-racking auction and then relocating — is one of the all-time most stressful events that happens in a person's life. Given that, we do not want to make it more difficult or more stressful for people out there.

We know that the Melbourne property market has been experiencing incredible growth over the last 10 years. Indeed if you are moving in baby boomer circles, talking about one's property, or mostly one's property portfolio, is one of the top dinner party conversations. Sadly it is the case that whilst that may be happening in one segment of the population and in one generation of the population, dinner party conversations that are happening in share houses or conversations between young couples who are getting married are actually about being left out of the property market and not being able to enter it because of the incredible growth that we have had in property values, especially over the last decade. Many people feel as though they cannot enter the property market because it is such a messy, confusing space. This legislation is very important in that it brings to the house some very significant changes to this act so that people can have more confidence in negotiating the buying and selling of property.

During 2016 and 2017 as part of the broader consumer property law review the Andrews Labor government reviewed Victoria's sale of land and business laws. The review led to this package of reforms which are addressing consumer concerns — and that is essentially what we are talking about here — in the Victorian property market. Whilst I have referred to people who

feel that they are being left out of the property market, I am sure that many MPs have had in their offices people who have been very badly ripped off in the property market by somebody who said they were going to complete the house or apartment to a certain standard or complete the house or apartment by a certain date. Recently a couple who came into my office said that they had been sold their dream home and the builder had disappeared. They have still got their block of land, thankfully, but they are very, very much damaged by the experience they are having, which, as I said, should be a good one when as a first home buyer you are building your dream home.

The primary objective of this bill is to address substantive and ongoing consumer detriment in the Victorian property market. This detriment has arisen as a result of off-the-plan developers unfairly terminating purchasers' contracts using sunset clauses, and I will talk a little bit more about sunset clauses in a minute; term contracts and rent-to-buy arrangements for residential land being brokered in circumstances where the contract or arrangement is highly unlikely to succeed; and certain land banking scheme promoters selling unsophisticated investors options to purchase land in the scheme, which never materialises — I mean, how corrupt is that — and then spending investors money. These are very, very sad circumstances for consumers if they have been taken down by such a person or company.

The bill also addresses two key issues of community concern in relation to material facts about properties, such as a property's past use as an illicit drug laboratory being concealed from prospective purchasers, and public auctions being held on Anzac Day. I think most Victorians revere Anzac Day, and it is entirely appropriate that public auctions do not happen on Anzac Day.

I refer to an *Age* article from 26 August:

This man didn't know he was living in a meth-ridden house.

I was attracted to this article because of an experience I had at the previous election. Whilst I was out doorknocking I did actually come across a meth-ridden house, I suppose one would call it, or a meth operation. I have got to say that the people who answered the door did not have a clue what I was talking about. I quickly assessed the situation — thankfully I had one of my electorate officers with me, not on their working time, I must admit, but on their day off — and we made a quick exit out of there and let the local authorities know that something was going on in that house. I realise that often these houses are then busted by the police and the

rental agent or the person that owns it refits the house and tries to sell it as a nice place to live, but I know that in this case the owner was a man with three children who was unaware that the house he was renting out was contaminated with methamphetamine residue. Tests the owner paid for found that the house was uninhabitable, so you can just imagine what went on in that property.

The article contains Victoria Police statistics regarding clandestine drug labs found in residential dwellings in the 2017–18 period and from 1 July 2012 to 30 June 2017. They are out there. They are happening. The statistics show us this. So it is very, very important that the reforms in this bill relating to concealing material facts from a purchaser are supported by the Parliament.

I would just like to finish by drawing the house's attention to the royal commission that has just been announced in Canberra by the Morrison government. I note that they are compiling their list of guiding principles for the royal commission. I would have to say, from the experiences I have had in 12 years as a local MP, one of the biggest issues that has continually come into my office relates to people's concerns about the operations of retirement villages, whether it be about repairs to properties, whether it be about the value at which they bought the property and the value that their children were then proposing to sell it for or whether it be about the fact that they cannot have a dog or they cannot access certain facilities on the property because of the lack of adequate infrastructure. It is a really big issue out there.

I really implore the federal government, hopefully with the support of the Labor opposition, to make sure that an investigation into the operations of retirement villages is included in the work of the royal commission. It is a ghastly end to a person's life when they feel they are being ripped off in what is probably their last property investment. Without further ado, I commend the minister for bringing this bill forward and wish it a speedy passage sometime in the future.

Ms WARD (Eltham) (17:45) — It is delightful to see you here on this last Tuesday of this term, Acting Speaker Pearson. I am sure that we are all very glad to be here, but I am glad to see you in the chair. I happily rise to speak on this legislation which will amend the Sale of Land Act 1962.

Acting Speaker, I know that you and I probably have a shared history when it comes to property purchases. You have a home and I have a home, and it took some effort for us to buy those homes. It is hard to buy your first house. It is not something that comes easily to many of us, especially those on this side of the house

who do not have inherited wealth for the most part but who do have parents that have worked incredibly hard to give us advantages. My grandmother, for example, never owned a home. She was married to somebody who was not able to provide for her and who left her with three children under four. My nan had to make her own way in the world with the support of her parents. But she was never able to own her own home despite working hard when she needed to and also spending time raising her girls.

I know that you too, Acting Speaker, understand these stories. You know, with the public housing that you have in your electorate, how difficult that journey can be for many people in this community, not through a lack of working hard and not through a lack of trying hard. But they do find that journey towards buying their first home, regardless of what that home might be, very difficult. Legislation like this helps to provide safeguards for people and helps them on that journey. It helps them to not be ripped off, which is so incredibly easy to do when they are desperate to get that first home, when they are desperate to have their own space, to have their own front door key that is theirs alone and to own that property. Sometimes you will go for deals that to an outsider might seem shonky but to you seem to be your one pathway to getting the home that you want. That is something that often happens with off-the-plan contracts. They look fantastic, the price looks attainable and it looks like you can actually get that home that you have always wanted, but then there is a catch. There is the thing that can trip you up. There is a part of that that can prevent you from getting that home that you have wanted.

I am sure that, Acting Speaker, like me you have seen those little booths that get set up that look like shipping containers that are all kitted out and just look amazing. People walk in and look at these off-the-plan designs and can see themselves in these houses and imagine themselves occupying the space, owning it and being a proud homeowner. I cannot imagine anything more heartbreaking than going into your estate agent or going into the developer to pay the deposit, to have a continual conversation and to deal with the paperwork and the rest of it with whoever it is that has sold the property to you, only then to have a sunset clause kick in whereupon all of those dreams that you have had, that paperwork, that insurance, those bank headaches and all those millions of phone calls and emails that you had to deal with to get the funding for this are cancelled. Suddenly a sunset clause kicks and you are told, 'No, I'm going to stop this. You can't buy this property because I think I can get more money from somebody else. The amount of time it has taken us to realise this development has meant that I can make

even more profit on the property itself and its proposal so I'm going to cancel your dream. I'm going to cut that out and I'm going to make as much money from this development as I can'. For us to change that, to stop that heartbreak happening for people, I think is good legislation. It is a good amendment and I am glad that this government is responding in this way. New South Wales has similar laws and I am glad that we are following suit.

Another thing that has concerned me, and I am very glad that this government is doing something about it, is the rent-to-buy arrangement. I am sure, Acting Speaker, you are probably with me. Some nights you have come home and you have seen the ad on TV in our youth where it would be Rent A Vision, I think — and I am not using this company as an example — with messages such as 'Rent now, buy later' and you would have all these amazing things on your screen, stuff that you could buy that you know when you look at it will cost someone so much more than the product is worth. Fridges that are worth \$300 end up costing someone \$3000. This is what we can also see with rent-to-buy properties where someone just keeps paying rent thinking that they are getting themselves to a point where they will actually own the home that they are in. They are in the home, they have made it their own space and they think that they could actually get to own it and have their own name not on the lease but actually on the paperwork as the owner. To take that away as well is a very good thing. To protect people and make sure that in their desperation to get their home they are not being ripped off is really good legislation, and I am glad that we are making these changes.

I am surprised that those opposite are not speaking on this legislation and that we are seeing so many people from our side of politics —

Ms Green interjected.

Ms WARD — I share with you, member for Yan Yean, that we should not be surprised, nor was I surprised to see you get shut down for expressing that surprise because it would seem that those opposite really do not respond well to the voices of women.

It is really good that we are stopping public auctions of land before 1.00 p.m. on Anzac Day. Who wants to subject communities to that? Who wants people who have just come back from an Anzac Day march, who have been commemorating this very solemn day, to suddenly hear people go, 'Sold!', banging the gavel and yelling out across the street. No-one wants that, and it is great that we are actually legislating to stop that from happening. I am surprised that those opposite

have not put in the work to actually talk about this issue and talk about their support for it, because I would have thought that Anzac Day would be something that would be important to them, that the seriousness of Anzac Day and the sanctity of Anzac Day would be something that they would want to talk about and that they would be supportive of something that actually stops auctions happening of a morning on Anzac Day. But it is not to be.

I suppose this is just an example of the work ethic of those opposite — that they do not really pay a lot of attention to legislation, that they do not stand up and are heard to speak about bills and put forward views on why a bill is good or bad, that they just sit around and do not get a lot done. We saw that for the four years that they were in government and we have seen it for the four years that they have been in opposition. It is very disappointing that their constituencies are time and time again let down by the very lazy Liberal and National parties.

I think it is also incredibly important that in this amendment bill work has been done to make sure that homeowners or prospective homeowners actually know the history of a house. I join with the member for Narre Warren South, who also read the article that I read about the man who had a property that his children lived in that had been a meth lab and the amount of chemicals and pollutants that were in his children's systems. That is terrifying. It is terrifying to think that you could, in trying to provide a safe place for your family, inadvertently subject them to this kind of chemical influence on their lives. It is the last thing that you would want to do and it is very unscrupulous of real estate agents and developers to not explain this to people when they are putting a property up for rent or sale. It is not just whether it has been a meth lab, but it is also whether somebody has, for example, died in a house. You would want to know the circumstances around that as well and again what potential pollutants could have been involved in that death. I am glad that this amendment will stop real estate agents from being categorised as fraudulent and instead talk about their knowingly withholding information. I think this is a very important change to make in this legislation.

It is important for real estate agents to understand that they cannot knowingly withhold. They may not have a desire to be fraudulent, but if they have deliberately not told somebody about something that they know could affect their decision-making around that property, they will be held accountable.

I congratulate the minister for putting these changes into the act. This is a good bill. It is another example of

Labor responding to the needs of our community, of getting out there, of getting things done and of continuing to work hard over the last four years, making sure that things happen, making sure that this community is looked after and making sure that we get it right. I applaud the minister for this legislation.

Mr HOWARD (Buninyong) (17:55) — I am also pleased to add some words in regard to the Sale of Land Amendment Bill 2018, which is before the house at the moment. As other members have said, and as we all know, the purchase of a property involves people's dreams. It certainly involves a lot of their financial resources and commits them to funding their dream in terms of the purchase. We want to ensure as much as possible that, through good governance, when people buy a property they get what they understood they were buying and that there are no hidden surprises for them that end up making a wonderful decision they have made a disastrous one.

This bill involves a review of the Sale of Land Act 1962 to update it and take into account a number of issues that have been drawn to the attention of the minister that will improve the act. The bill puts in place a lot of safeguards. It sets in place how to treat a deposit or a bond in regard to the purchase of a house. It provides for mandatory precontractual vendor disclosures, as people would know, and it regulates public auctions, among other things. It puts in place a number of safeguards so that, as much as possible, when people want to buy a property and see a property they like, they can get the full information about the costs of that property in terms of its rates and a range of issues associated with its history. Hopefully through appropriate conveyancing they can then get the full detail of that property.

Reflecting upon this bill, I remember the first property I bought. When I first settled in Ballarat in 1983, I went to buy my first home. I was about to marry and so my fiancée and I looked for houses in Ballarat. We were very pleased after looking around in 1983 to find a house for the total sum of \$24 000. We managed to find a beautiful four-bedroom weatherboard house that we then lived in for the following 15 years. It is pretty amazing when you reflect on the price of a house in Ballarat at that time. Certainly more recently I bought a block of land that I paid nearly 10 times as much for compared to the full price of the house I paid earlier on.

In going through that process I took it upon myself to do my own conveyancing, which was very interesting, because this was one of the older chain of land titles. I found that in fact the house was owned by the person selling it but the land was not. The land was still on a

leasehold arrangement because it was an old mining tenement site set at the time. The land was still Crown land that was being offered back to people who owned the houses on them through interest-free payments over 20 years. I think there was still \$300 to be paid on the land when I bought it. At least I learned all that working through the process of the purchase of the land. I learned a great deal in doing my own conveyancing at the time. I was pleased that it all went smoothly in the end and that I was able to own that property and enjoy living in Ballarat East for many years after that. I then subsequently bought my farm property out at Waubra, which I still own and enjoy. Again, I found that it was one where I have still got the full chain of titles document on that property dating back to the 1850s when the house was first built. It is lovely to be able to have those. We do not have the same system any more of course. With Torrens titles you do not get the actual title anymore; it is all electronically dealt with.

These are interesting processes that give you an appreciation of the issue of buying a home. You also learn of some of the pitfalls through that process, and as a member of Parliament I have met with a number of people who have been frustrated when they have bought land to find either they cannot build on it and were not aware of those issues beforehand or they have found that what they were buying was not quite what they thought they were buying. In Ballarat the other thing to be aware of is that your house is not built over a mineshaft. That issue has arisen in Ballarat over the years. In fact part of my next door neighbour's house had a mineshaft under it. They could in fact throw their rubbish down through a hole in the floor, I understand, into the mineshaft. I would not have liked to have lived in that house, but the house is still standing I note. So they obviously did something to cap the mineshaft and it did not cause further problems for the owner.

We need to make sure that people know what they are buying. We also need to know that developers do not do the wrong thing, and are not allowed to do the wrong thing, by landholders. One of the particular changes in the bill, as we have heard, relates to sunset clauses on land. Often when people buy off the plan they have 18 months in which to complete the contract, otherwise the contract can be rescinded. What we have found is that sometimes the developer takes advantage of that and delays the availability of the property so that the contract will be rescinded. This is because the value of the property has gone up in the meantime and they then can rescind the sale of the property, even though the purchaser wanted to go ahead with it. This bill does away with that and means that the contract will only be rescinded after 18 months if the purchaser agrees. That is an opportunity they have so they will

not find that they have been waiting nearly 18 months, it is not ready in time and the developer simply says, 'Sorry, you've missed the chance. I'll give you your deposit back, but I'm selling the property at a greater price to someone else'. We need to protect against that.

One of the other issues is finance. We know that when people buy their homes they more often than not need to borrow. Sometimes they might be offered finance on very good terms by people involved in the sale of the property and then find that their borrowings were not as they expected. We need to protect vulnerable consumers from those predatory types of finance arrangements. This bill also sets in place some clearer guidelines to protect people in such cases.

A number of sensible changes are being proposed in this legislation. If they do not go through in the term of this Parliament, I hope that they will be followed through early in the term of the new Parliament so that those sensible changes which have been drafted after a full review will be enacted to ensure that there are further safeguards for people who are taking that big step in purchasing a property so that they are not going to be duped and they are not going to be misled by dishonest or misleading vendors. They will know that they can trust the state government to have set in place the right framework to ensure that they are safeguarded in their decisions.

I am very pleased that this bill has now been worked through by the Minister for Consumer Affairs, Gaming and Liquor Regulation after due consultation to ensure that when somebody buys a property, whether at auction or by direct sale, they know that what they are buying is what they wanted to buy, they know their finance is going to be fair when they have agreed to it and they know that there are not going to be any surprises that are going to lead to the dream that they have set around their new property not coming to fruition, and particularly that vulnerable people who are entering into purchase arrangements are going to be soundly protected through the enactment of this legislation.

I am very pleased to have spoken on this legislation. I thank the whip for offering me the opportunity to speak, and I trust the outcome of this legislation will be that we will see many people supported in the future.

Mr RICHARDSON (Mordialloc) (18:05) — It is a pleasure to rise and speak on the Sale of Land Amendment Bill 2018. It makes really important amendments after a wideranging consultation process and work has been undertaken. It is Tuesday and it is 18 September; we have less than three sitting days to

go now. I am looking over at the other side and it looks like the opposition has put the cue in the rack. They have offered up one speaker on this bill. On substantial and important legislation they have had one speaker and then they have tapped the mat. There is barely anyone there. If anyone is looking at the widescreen on the telly back in their office, they will see that there is barely an opposition representative here. The member for Warrandyte and the member for Mornington are doing the hard yards, but who else is going to speak on this? This is really important work about fairness, about protecting people in the sale of land and about the purchase of property, and they have tapped the mat. There is hardly a person here. Maybe they are back in their offices writing some emails. I think how much you care about a piece of legislation is shown by the number of speakers who speak on a particular bill. To not have any opposition speakers left after one is really disappointing.

We will get on with the hard work of governing and the hard work of supporting and passing legislation. These are really key reforms. The sale of any land and the purchase of any property are really important outcomes and they are dreams for many Victorians and in fact any Australian who wants to own property and that patch of land. There has been a change in the mix over decades. Now we see people in apartments and the density in our cities and country areas is growing and we are wanting to support that. I am in the position of never having had the opportunity to purchase and own a property. A lot in my generation will struggle to make that property purchase probably into middle age given the price of property in Melbourne and Victoria now. It does not look like it is going to cool off any time soon. In fact just a few years ago in one of my suburbs, Chelsea, the median purchase price for a house was \$650 000. Now it is over \$1 million. So it is getting harder to achieve home ownership.

People are having to make choices based on what they can get in the market. That may be on a greenfield site or on land that is surplus to government requirements. People are having to make choices about opportunities and decide between renting or purchasing property and then linking that in with their place of employment and how far they have to travel. We are seeing people buying out on the urban fringes and having to travel further for work, which means less time with their families and their loved ones.

In that desire, ambition, hope and drive to own property, to support their family and raise their children in their community, sometimes that desperation in that quest to own property means there is an unequal relationship between developer and purchaser. We see a

number of good developers, the bigger developers, who are doing some great work in their contribution to community through developer contribution charges and who are building the communities of tomorrow. The postcodes that do not exist just yet are being built for tomorrow and are just around the corner. Sadly, there are players in the market who take it upon themselves not only to make a quid but who go further and are predators and take away the opportunity for others.

This leads to one of the key pillars of this bill: the sunset clauses and the misuse by property developers. The notion that you would threaten someone with the cancelling of a contract unless they pay more money is absolutely disgusting. It is exploitative and it should be illegal. The notion that we would let our contract law, the legal system and the courts deal with this when there is already an uneven relationship and there is already power in a developer who is looking to exploit a purchaser is a real shame. The work that needs to be done to phase this out is very critical and is addressed in this bill.

While the bill might not be passed by the upper house in this sitting, I know that it will be a priority of the Andrews Labor government, if re-elected, to put this on the table and take it to the upper house. I cannot be so certain about that if the coalition comes to government. Given that there has been only one opposition speaker on this bill, that goes to the values and the heart of what they put forward and prioritise in the community. Having a lead speaker is a requirement when a bill is being debated, so effectively not one member on the coalition side has prioritised this bill, prioritised getting rid of exploitative practices that harm would-be property purchasers. Those people who have not chosen to speak on this should be ashamed. This is really important for communities. Any member of Parliament representing a peri-urban or interface council area should be speaking on this bill because it is their communities and their people who are suffering under these arrangements.

Also really important in this bill is the prohibiting of certain term contracts and rent-to-buy arrangements. When I was reading through these notes I actually wrote 'What the?'. You can actually have a rental agreement for a property that just trips along on the ambition of then having an option to purchase the property at a later time — just stringing someone along, exploiting someone and dragging them along when they do not have an opportunity to purchase that property. The stats are just astonishing. The amount of financial hardship and stress and grief that this brings to individuals is very concerning. I looked at that and thought, 'This is really

important work that this bill aims to address, to square the ledger and bring fairness back'.

I note that in the minister's notes that I am using there is a point about the notion that courts are generally the place where this is debated, that generally it is left to our legal system for these matters to be discussed and debated in the adversarial system. Given the inequity in this relationship between developer and contract purchaser, we just have to take action in this space and we have to ensure that this exploitation cannot be carried on.

The other key point in this bill is the discouraging of unregulated land banking schemes. This on the green wedges, and also in precinct structure plans (PSPs), is also very critical. We hear locally about particular land parcels where there is no prospect to develop. I know of one particular part just outside my electorate where you could never develop this land due to Melbourne Water requirements and overlays. It will flood in a 1-in-100-year event completely, and that parcel of land is set aside — this unused land — for the very purpose of flood mitigation. It will never be developed, yet we have heard stories of syndicates owning this land and trading on the notion of the urban growth boundary moving, and then people purchasing and buying and trading between each other with the land value going up. That land is worth nothing. It has got water weeds through it, it will never be developed and the notion that that has been traded and the syndicate keeps going up for people who think they might one day be able to own a bit of land, or be able to put a house on there or be able to realise their development opportunity is extraordinary.

These syndicates are like a pyramid in their scheme, where one organisation will take the various revenue to then invest but it then has no prospect ever of being developed. If those syndicates go under then that is it: the money is lost and those people are in financial ruin. I think that work to discourage unregulated land banking schemes is very important, and hearing those stories and the concerns of people is really critical.

There are two other major points. I think everyone respects the notion of one of the most solemn days on a calendar: Anzac Day. Each and every year, particularly through the centenary of Anzac Day, we see an extraordinary response to Anzac Day. We have seen generations coming along to commemorate the work of our service men and women throughout the decades. This is one of the most solemn and most important days on our calendar, and we should be respectful on that day. In talking to some of my local real estate agents they well and truly agree, and in fact some of them

would never put an auction on Anzac Day — some of them have taken that action in their community because they understand and respect how important this is. This is a really important reform, and I commend the bill to the house.

Debate adjourned on motion of Mr WYNNE (Minister for Planning).

Debate adjourned until later this day.

**ESSENTIAL SERVICES COMMISSION
(GOVERNANCE, PROCEDURAL AND
ADMINISTRATIVE IMPROVEMENTS)
AMENDMENT BILL 2018**

Second reading

Debate resumed from 22 August; motion of Mr SCOTT (Minister for Finance).

Mr MORRIS (Mornington) (18:17) — I am pleased to rise to lead for the opposition on the Essential Services Commission (Governance, Procedural and Administrative Improvements) Amendment Bill 2018. It is one of those bills where the title of the bill is almost of more substance than the contents of the bill itself. It is a pretty straightforward bill. According to the minister's second-reading speech the bill implements the government's response to the review of the Essential Services Commission Act 2001. I do actually take some exception to that, but that will become more apparent as we move on.

I think it is surprising, mystifying perhaps, as to why it has actually taken the better part of two years to get to this point, because the review the minister refers to in his second-reading speech was required by legislation to be completed by the end of December 2016. This bill was second read on 22 August 2018, so it was 18 months or more from the completion of the review to the second reading, and of course now it is with us again for debate today.

Perhaps it has fared a little bit better than the Financial Management and Constitution Acts Amendment Bill 2017, which has just been postponed. That was second read on 2 November 2017 and the poor thing has sat on the notice paper ever since, and it looks like it is still going to be sitting on the notice paper when the Parliament expires at the end of October. At least this bill has not suffered that fate. Unfortunately this bill has perhaps not done as well as the Treasury and Finance Legislation Amendment Bill 2018, because at

least that bill got to the Legislative Council and has been second read.

Members will recall that this is a bill that makes a number of relatively minor changes, but one important change it makes is around the regime for compensation for cyclists injured in incidents which involve a stationary vehicle. As I understand it, as I speak today there is a very real risk that in fact the Treasury and Finance Legislation Amendment Bill will not make it through the Legislative Council before the Parliament rises, and that will be a great pity. At least it is in the Legislative Council, and there is a chance it will be considered this week.

That is not the case, of course, with this bill. The reality is it is like every bill we are debating this week. Sure, they will go to the guillotine at 5.00 p.m. on Thursday, and they may even, as messages, be received by the Legislative Council, if the Council is still sitting, but they certainly will not be debated. They will not see the light of day in terms of the legislative process; we are simply going through the motions here.

The member for Mordialloc in the context of the Sale of Land Amendment Bill 2018 was speaking at great length about how hopeless the opposition was because we were not fully participating in a debate on that bill. Frankly, no matter what the merits are of that bill or this one, there is very little point in participating fully in a debate, in devoting your time and devoting your energy to considering the detail of legislation, when you know damn well it is going to simply go off the end of the notice paper when the Parliament is finished at the end of the term. Unfortunately, as I said, this bill, like the Sale of Land Amendment Bill and the other two that are on the government business program for this week, will suffer that fate.

We are effectively keeping up appearances, so I will do my bit in terms of keeping up appearances and go through the detail of the bill, just so there is no doubt about what the view of the opposition is on this particular piece of legislation. Then when I have done that, I might return to the review of the Essential Services Commission (ESC) that was the subject of the minister's reference in the second-reading speech.

Essentially the bill implements three recommendations that came out of that review. There was a recommendation around the appeals process of the Essential Services Commission (ESC), and the changes that were proposed by the commissioner or by the review are included in this bill. There were some changes proposed around the arrangements for

appointing an acting chair of the commission, and those changes are contained in this bill. There are some changes around, or more accurately some changes to clarify, the capacity of the commission to report publicly on particular regulated sectors, and in a very minor way there are some changes in terms of the review. There are also some other changes which were proposed by the review that have not been considered in the context of this bill.

The first change of significance is the change proposed with regard to the review process. There is currently under the Essential Services Commission Act 2001 a capacity to appoint an appeal panel and to, in that manner, consider any applications for a review of decisions or determinations of the commission. What is proposed in this bill is that, rather than persist with that freestanding and I imagine relatively ad hoc process, the intention is to transfer those powers to VCAT and provide VCAT with the capacity to perform that task. Clauses 4 through to 11 deal with that.

When I was, last week, being briefed on the bill — and I should of course thank the minister for making the opportunity for a briefing available and thank his adviser for providing that briefing, which I have got to say was one of the quickest bill briefings I have ever been a party to; it was here and gone and done very, very quickly —

Mr Wynne — It is a relatively straightforward bill.

Mr MORRIS — It is a straightforward bill, as the minister indicates. In saying that it was a very quick briefing, I am not in any way being critical of the briefing; it worked for me. I got the information I needed, and I am sure all the other participants were relatively relaxed about that as well. During the course of that briefing I did raise the issue of whether VCAT would in fact have the expertise amongst its members in order to provide the capacity to deal with these sorts of appeals or these sorts of reviews, as they will now be known. The point was made that there is the capacity in VCAT to appoint effectively a short-term member with expertise in the subject, so as far as the opposition is concerned, we are entirely relaxed about that particular provision.

The second change, as I indicated, relates to the issue around the appointment of an acting chair. Currently the acting chair has to be appointed by the Governor in Council, and while that is not a difficult process, it does take some time to get the paperwork all squared away, get it on the agenda of the executive council and make it all happen, which could potentially have some impact

on the operations of the commission. As I am certainly aware from interactions over the last two terms with the Victorian Auditor-General's Office, the lead individual can sometimes become unavailable very unexpectedly, and I think it is desirable to have the capacity to provide an interim replacement. What is proposed with these amendments is to change the process so that it is no longer a Governor in Council appointment; it simply becomes a ministerial appointment.

If there was the capacity within the legislation for the minister to subvert the intent of the act and to appoint someone as the acting chair for an extended period, I would be rather uncomfortable with that. But as the proposal is effectively time limited to six months, again this is a proposal that is probably entirely reasonable.

Clause 13 of the bill also makes a change with regard to the acting chair, and that is to permit any person to be appointed as the acting chair. In other words, they do not need to be a member of the commission to be eligible for appointment. As I read the bill, simply because you are a commissioner does not mean you are excluded; you remain eligible for appointment as the chair. However, if the particular circumstances require expertise which is not immediately available amongst the members of the commission, then the capacity is there for the minister to appoint someone from outside the organisation to act, on a temporary basis, instead of the chair.

Clause 14 of the bill introduces provisions which will allow the commission to publicly report — perhaps 'allow' is the wrong term, but it will certainly confirm the capacity of the commission to publicly report — on the market structure and performance of a regulated industry, subject of course to the relevant acts. In the review the commission noted that there is an issue because public reporting and communications about market structures have over time become a significant role of the commission without it having explicit legislative authority. As they noted in the report, the current legislation does not provide any impediments to reporting, but it does not explicitly recognise the capacity of the commission to do so.

The report made that recommendation. That was one of the recommendations that the government supported, recommendation 5. It supported amending other regulatory powers to, in the words of the government, 'better reflect the commission's increasing role in releasing public reports and communications on market structure'. It is entirely reasonable. As I say, it is not a new power. The first time I read it I thought perhaps it could be considered a new power or an extension of

existing powers, but having done a little more thinking and a little more research, I am quite relaxed that it is in fact something that the commission has historically done for quite some time. It has become an increasing part of their work and it seems entirely reasonable to codify it in terms of the legislation.

The bill makes a range of other changes including clarifying issues around section 51 of the Essential Services Commission Act, largely because some provisions have been repealed. There was some doubt, as I understand it, about whether the necessary confidentiality was able to be maintained, so that is dealt with under clause 15. There is effectively a statute law revision regarding references in the current section 63 to now-repealed sections 44(7) and 51(7), again relatively straightforward. The review that I referred to earlier, a review to be conducted no later than 31 December 2026, is simply updating the current provision which required the review to be completed by December 2016. It is not a response to recommendation 1 of the review. It is very much different to that. It is simply updating the act to ensure that some eight years from now a further review is undertaken.

The final clause with regard to the Essential Services Commission deals with the first chair of the commission, and clearly that is now spent. There are some consequential changes to the Victorian Civil and Administrative Tribunal Act 1998, the Accident Towing Services Act 2007, the Electricity Industry Act 2000, the Grain Handling and Storage Act 1995, the National Electricity (Victoria) Act 2005, the National Gas (Victoria) Act 2008, the Port Management Act 1995 and the Rail Management Act 1996. Of course the usual sunset provisions apply to ensure that this amending bill — if it passes, which of course it is not going to — on the remote chance that it does pass, will expire on 1 August 2020.

That is the substance of the bill, and as I indicated, as far as it goes it is okay. The opposition does not have any particular concerns about it, and when it goes to the guillotine on Thursday we will not be opposing the bill. But I did want to, as I said, in at least some of the time remaining refer to the review that was undertaken and which the minister referred to in his second-reading speech. The review was undertaken by the Department of Treasury and Finance (DTF) and they had the assistance of some outside consultants, NERA Economic Consulting, which undertook some stakeholder consultation, conducted further research and provided some analysis.

It was not what you would call in any way an independent review. It was not required to be, it needs to be said, but it was effectively undertaken by DTF. I think it is also worth looking at the stakeholders who were consulted as part of the review. To a large extent it was very much an inside the tent consultation. Three people from the Department of Environment, Land, Water and Planning were consulted, one from the Department of Economic Development, Jobs, Transport and Resources, two from the Essential Services Commission, two from the ESC appeals panel — that is reasonable; seeing as they were being abolished, I think we needed to talk to them — one from the Environment Protection Authority Victoria, one from DTF legal and one from VicTrack. There were some conversations with representatives of regulated businesses or industries, including the Energy Networks Association, the Victorian Taxi Association, the Water Services Association of Australia and Asciano, together with representatives of consumer organisations, including the Consumer Utilities Advocacy Centre, the energy and water ombudsman, the Consumer Action Law Centre and the Victorian Council of Social Services.

There was no public input whatsoever. Now, you might say it is a body to regulate industries, it is about dealing with those industries and it is all inside the tent stuff. I would contest that, I think. Sure you would not get a lot of public input, but I think the outcomes may well have been enhanced by having at least the opportunity for the public to make a contribution, because after all any statutory body, any government agency really, exists for one purpose and that is to provide some sort of benefit to the public. Now it may be a direct benefit that is provided by the particular agency or it may be that there is a regulatory oversight function to keep other government agencies honest and provide that benefit. Either way, the bottom line is about the public benefit. Otherwise, as the government you would not be doing it and you should not be doing it. So I think this review could perhaps have been enhanced by wider ranging consultation.

The review itself was about whether the objectives of the act were being achieved, whether they are still appropriate and whether the act is effective or needs amendment — and there were some amendments recommended. The review was asked to look at the range of regulated sector advisory issues that come under the ESC, the potential for regulatory reform, the potential for reduction of red tape, appointments of commissioners and panellists and arrangements for repeals, and obviously some of those things have been picked up on in the recommendations. Specifically,

and I think it is worth noting, the rate cap arrangements for local councils were excluded; they are relatively new and were certainly new in 2016. The pricing structure for port users of the port of Melbourne similarly had only just come into effect, so they were excluded as well.

I really want to talk about three issues that are not addressed in the bill but are the subject of the report. Recommendation 1 was around the need for a broad review of the Essential Services Commission. Recommendations 2 and 3 were picked up by the bill. Recommendation 4 was around timetabling and did not require legislative change. Recommendation 5 has been picked up in the bill. Recommendations 6 and 7 were supported by the government but have not been picked up by the bill; they do require legislative change. Recommendations 8 and 9 have been dealt with, and recommendation 10 has been dealt with in the bill as well — it is around timing.

Recommendation 1 was supported in principle by the government but not in the context recommended by the review. The recommendation recognised that there was considerable divergence between stakeholder groups regarding the objective — matters the commission must have regard to — and the extent to which the new functions that are effectively being tasked to the commission are appropriate for an economic regulator to perform. Certainly there was a view that there should be clarity about whether the government's intended role for the commission is its traditional role as an economic regulator or whether it was getting into broader public policy areas, and particularly whether there was a conflict between the long-term interests of consumers on the one hand and objectives based on economic efficiency on the other hand. It all sounds like very dry and boring stuff, but it is in practice pretty important.

The review found that the commission had exercised its powers and processes effectively but that there could be criticism that that objective — as I said, the long-term interests of Victorian consumers — may be inconsistent with economic efficiency, particularly where the concept is applied right across the Victorian economy. The commission gave a couple of examples of what they considered to be representative of this. One was:

undertaking inquiries or reviews at the request of government into sectors that are not specifically declared in the ESC act and the government is seeking policy advice ...

Perhaps local government might fall into that category, in theoretical terms anyway. The report also states that the commission would undertake:

special inquiries into regulated sectors, where such inquiries include in their terms of reference social or environmental considerations ...

Again, these are inquiries divorced from economic efficiency.

The review came up with a couple of alternatives. One was 'refine the status quo', which is effectively, I think, what the government has done in its response. Their final recommendation was to 'undertake a more extensive review, involving wider public consultation', particularly around that issue of the long-term interest of Victorian consumers. Unfortunately the government has decided not to proceed down that path. Of course the second-reading speech has been silent on the reason for that decision. The response to the report simply indicated that the government 'considers that this can be achieved by amending the existing statement of expectations for the commission'. Well, I find that hard to believe.

The second recommendation that has not been picked up in this legislation is around reporting arrangements — basically synchronising the language in the act with the normal parliamentary protocols. That is something that could have been picked up at any time. I am surprised, given that it is more than 18 months down the track since the review was received, but it has not been picked up. I would have thought it was relatively simple, but it is not included in the bill. The fact that it is not included is not the end of the world, but you wonder why it is not in there when the commission made the recommendation and the government accepted the recommendation.

The final recommendation that I want to refer to is around codes of practice. The review made the point that there had been ongoing concerns raised around codes of practice. There were some amendments following the Beale review, which was the earlier review of the commission, to insert codes of practice clauses. The review concluded:

... the phrasing of section 47 could unintentionally limit the use of part 6 —

which is the creation of codes of practice. The ESC also advised:

... there are no relevant provisions in industry legislation (e.g. the Electricity Industry Act) ...

The government's response was that it agreed that the act should be 'amended to incorporate codes of practice'. They noted that 'to date the commission has not used codes of practice under this part of the act'. In

fact they have developed codes of practice, but as the review found, they have not been developed in conformity with part 6 so they therefore cannot be used. I think the issue, as far as I am concerned, is: despite the government acknowledging in its response the importance of providing clear processes for these things and despite indicating in its response that it supported this recommendation, there is no change proposed in this bill, and the unintended limitations, which again the government identifies in its response, remain unaddressed.

Despite the assertion in the minister's second-reading speech that the bill implements the government's response to the review of the Essential Services Commission Act 2001, clearly the bill has not addressed a number of the review outcomes. Three matters that do require legislation have obviously been addressed. They are the moving of appeals to VCAT, the changes around the acting chair and the capacity to publicly report on regulated markets. Those things are in this bill. But what is not addressed is the issue around the tabling of documents, and that is more a courtesy to the Parliament than anything else. It is not particularly significant, but why not do it when you have the opportunity?

The bill fails entirely to address the issue of codes of practice, and it is entirely unclear to me why the government has responded in the way it has in the report. They have failed to bring in the legislation when they have had the best part of two years to do it. It is not that complicated, I would have thought, to get it right. Finally, and this was explicit in the response, the government has ignored the need for a wideranging review, and that is problematic. That was the number one recommendation of the review panel, and presumably they made it the number one recommendation because they thought it was the most important. Unfortunately the government has chosen to use a form of words which makes it appear as if they are agreeing, but in fact they are not. The opposition will not be opposing the bill.

Mr McGuire (Broadmeadows) (18:47) — It is good to hear the opposition will not be opposing this bill, and it does address a number of key propositions. There has been some critique by the opposition lead speaker, the member for Mornington, but I do want to look at the main strategy behind the bill first of all and then drill down into some of the detail.

The proposed changes aim to improve the operation of the Essential Services Commission Act 2001 and the Essential Services Commission (ESC) and implement the government's response to the review of the act. Just

to give this some context, the government completed a review of the Essential Services Commission Act 2001 in December 2016. The review and government response were tabled in Parliament on 7 March 2017. The government's response supported a number of governance, procedural and other changes to improve the operation of the act and the commission. So that is the context and how these have come to the Parliament and into this bill.

The proposals in the bill were developed following consultation with various government departments and agencies, including the Essential Services Commission, as well as targeted stakeholder consultation, particularly with participants in regulated industries. So it had widespread consultation with the key stakeholders. And what did it attempt to do? This review is a legislative requirement, so it had to be done. The purpose was to determine whether the objectives of the act and the ESC were being achieved and were still appropriate and whether the ESC act was effective or needed to be amended to further facilitate the objectives of the act and the commission or whether to insert new objectives.

The review concluded that the Essential Services Commission is working well as an economic regulator — that is the first key point — but there is scope to clarify its role and to improve governance, procedural and administrative arrangements. The review made 10 recommendations to address these issues. The government response expressed broad support for the recommendations in the review, supporting nine of these recommendations and supporting in principle one recommendation. To drill down into the detail, four of the recommendations did not require legislative change and hence are not included in the bill.

Recommendation 1 proposed that a more extensive review of the future role of the Essential Services Commission be undertaken. The government supported the intention of this recommendation and proposed to clarify the ESC's role in a statement of expectation, so I hope that addresses some of the concerns raised by the lead speaker for the opposition in his contribution.

Recommendation 4 proposed the ESC publish on its website:

... a proposed timetable and process ... for the review of its charter of consultation and regulatory practice.

The ESC subsequently implemented this recommendation.

Recommendation 6 proposed that the act be amended:

... to ensure that the timing of the tabling and public release of inquiry reports is consistent with parliamentary protocols.

That is basically standard procedure. The review was concerned that a final report could be released publicly before it has been tabled in Parliament. However, the tabling of documents is not a prerequisite to public release and therefore amendments to the act are not required. So that is where that issue landed.

Recommendation 7 proposed removing 'any unintended limitations to the making of codes of practice' under the ESC act. However, having reviewed the relevant provisions, it is not considered that there are any limitations that would prevent effective new codes of practice being made.

The bill proposes to require another review of the act to be conducted no later than 2026, with the report to be tabled by the first sitting day after 1 July 2027. So that is the next major review.

The bill only addresses the recommendations of the 2016 review and makes a few minor statute law amendments. Measures to address regulatory issues in industries regulated by the ESC, such as gas, electricity and water, will be included in separate, dedicated legislation, so I hope again that answers some of the issues raised by the opposition.

The bill contains a range of minor statute law provisions to tidy up the ESC act that were not proposed by the review. The proposal to abolish the ESC appeals panel arose from the review, and the review noted that this would reduce duplication of resources and continue oversight of the ESC by an independent body. The Victorian Civil and Administrative Tribunal Act 1998 gives the president of VCAT the flexibility to determine the appropriate composition of the relevant VCAT panel, depending on the nature and complexity of the matter. For example, relatively straightforward administrative law and procedural matters will be able to be dealt with by a single member while more complex pricing matters will be able to be addressed by a multiple-member panel with specialised expertise. This will lower costs for applicants for review, improving access to justice, and it is a commonsense way of trying to get the people with the best expertise involved on a case-by-case basis.

The VCAT act allows the Attorney-General to recommend to the Governor the appointment of permanent and sessional members who have special knowledge or experience, including any necessary

specialised economic experience. So again that is trying to make sure that there is the right nous and experience in how this is approached to get to the best assessment.

The current scope and grounds for appeal will be retained in the ESC act. Most of the amendments to the VCAT act make equivalent provisions for dealing with procedures such as when a decision of an appeal panel is not unanimous and when a member of an appeal panel becomes unavailable.

In addition, the bill retains existing restrictions on what evidence can be introduced in an appeal to ensure that material before VCAT is limited to the material that was before the ESC at the time of its original decision. The bill retains existing restrictions on the orders that can be made in respect of a final decision and applies them to VCAT.

There is also the proposed inclusion of an explicit reporting power. This again was an issue raised by the opposition. This reflects that the ESC performs an increasingly important role in researching and reporting on the market structure and performance of regulated industries. That is not in the current act but is provided for in other acts and empowering instruments.

Including this function in the ESC act will provide for greater clarity and consistency. It also means that various aspects of the ESC's powers, such as the ability to require information be provided, are explicitly able to be used in support of the preparation of reports.

Summing up, this is a necessary review that had to be undertaken by law. It has occurred. The recommendations are now being implemented. There are some arguments at the margin on this, but we now have a situation where this has been established and there is no direct opposition. I commend the bill to the house.

Mr McCURDY (Ovens Valley) (18:55) — I am delighted to rise and follow the member for Broadmeadows and the member for Mornington in speaking on the Essential Services Commission (Governance, Procedural and Administrative Improvements) Amendment Bill 2018. I do not have a lot of time available to me tonight, so I will skip through what I have fairly quickly. This bill amends the Essential Services Commission Act 2001, as we know, and it makes consequential amendments to the Victorian Civil and Administrative Tribunal Act 1998 — the VCAT act — the Accident Towing Services Act 2007, the Electricity Industry Act 2000, the Grain Handling and Storage Act 1995 and of course

the National Electricity (Victoria) Act 2005 and various other acts.

The bill repeals provisions for the commission's specific appeal panels to hear appeals in relation to requirements, decisions and determinations made under the principal act and confers jurisdiction on VCAT to replace the appeals panels. At the same time it allows the minister rather than the Governor in Council to appoint an acting chair of the commission. It also provides for the commission to report on the market structure and performance of regulated industries and provides that the act will be reviewed at the end of 2026.

Certainly the minor changes to the Grain Handling and Storage Act will probably go unnoticed this year. As members would know, the countryside in the Ovens Valley is very dry this year. There will not be very much grain stripped, and what is stripped will come at a premium. Any changes that get made to the Grain Handling and Storage Act will certainly go unnoticed. But my concerns are northern Victoria and the southern Riverina, which are good areas. There is potential there and there is a bit across the Wimmera-Mallee, but at the same time I think we will find ourselves carrying a load for all of Australia, not just the south-east of Australia. We know that East Gippsland is doing it very tough at the moment and there is no end in sight. This will really compromise our dairy industries, along with our beef and our sheep and all who need grain and hay to survive, and that is many of the livestock industries throughout Victoria. The road ahead is long and winding, as we heard in a great song once.

I also want to mention the various changes to the Rail Management Act 1996. Probably it is an opportune time, if we are talking about the Rail Management Act 1996, to remind this government that while they are fixing the Rail Management Act they could also buy some new trains for the north-east line. The 1960 locomotives are tired and broken and the carriages are well past their use-by dates. If we are going to look at the Rail Management Act, maybe those opposite could commit to new trains like the coalition have — \$120 million just on the north-east line itself for brand spanking new trains that will be reliable and much faster than what we currently have.

Division 4 of the bill, page 18, talks about and addresses the National Electricity Act 2005. Electricity is a hot topic in Victoria at the moment. Recently I held seminars right across the Ovens Valley with the shadow minister for energy and resources, the member for Caulfield. We covered Cobram, Yarrawonga, Wangaratta, Myrtleford and Bright, and it is clear that the Essential Services Commission has some work to

do in this department. We heard of energy increases between 25 per cent and 32 per cent and even greater in some instances.

Some of the concerns I have with the bill are that the bill will amend the Essential Services Commission Act to allow any person to be appointed to act as chair, not just a member of the commission. Another concern I hold is that it allows the commission to publicly report on the market structure and performance of a regulated industry. My concerns are that it is not clear why that power is required.

As I said, the member for Mornington covered this bill very well in his contribution; he is always very thorough. Any opportunities that I have missed I am sure will have been picked up in his contribution, which was very solid. He mentioned that the codes of practice have not been addressed. As he mentioned, we will not be opposing the bill, although we have some concerns about it. There has been consultation throughout the process, and we believe that this bill will go through. Certainly we will not be opposing the bill.

Business interrupted under sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — The question is:

That the house now adjourns.

Orchard Grove Primary School

Mr ANGUS (Forest Hill) (19:00) — (14 986) I raise a matter of importance for the attention of the Minister for Education. The action I seek is for the minister to sort out the power supply situation at Orchard Grove Primary School so that the school no longer needs a diesel generator to generate power to run the school.

Orchard Grove Primary School is a high-achieving, fast-growing local school located in the Forest Hill district. Due to the growth in the school over recent years additional portable classrooms have been required to house extra students. However, due to what appears to be a massive oversight or complete mess-up within the department, the power supply to the school is inadequate to supply power to the additional classrooms.

As a result of this, when the power to the whole school, including the additional buildings, was turned on, houses in nearby streets were being blacked out. The initial solution to this problem was for there to be the almost unbelievable situation of power rationing within the school — that is, for many months, including

during the winter months, there was a timetable in use for staff to know when they could use power in their buildings. For example, the heaters in each block of classrooms would be turned on for a short time to heat the rooms and then be turned off again to enable another part of the school to be heated.

The solution from the department was to provide a so-called temporary diesel generator, which arrived in August 2017. More than a year later the school is still having to put up with this substandard solution. The generator has to be started and shut down each day. With the recent upheaval with school cleaners, I understand that on several occasions the school principal has had to return to the school at night from her home to turn off the generator as the cleaners had forgotten to do so and the neighbours were being disturbed by the noise.

The school has had to spend \$10 000 on uninterrupted power supply systems to protect its computer and other equipment from being damaged due to the unstable power supply available. The school was told earlier in the year that the power upgrade would be completed by July 2018. This has not happened, and the almost laughable power situation at the school continues. I have spoken to the school council president about this ridiculous situation, and she, like most parents at the school, finds it almost unbelievable. It proves that in Victoria the so-called 'Education State' is nothing more than a throwaway line on a numberplate. I ask the minister to resolve this situation as a matter of urgency and to advise me when this has been done so that the school can operate like a normal school rather than one located in a Third World country.

Mordialloc freeway

Mr RICHARDSON (Mordialloc) (19:02) — (14 987) My adjournment matter this evening is to the Minister for Roads and Road Safety, and the action I seek is an update from the minister on the progress of the environment effects statement for the much-anticipated and long-awaited Mordialloc freeway.

The Mordialloc freeway is a Labor government project, and it will be delivered by a Labor government. Set aside in the road reserve in 1979, many who have promised to do something about this particular road reserve have come and gone. As our community grows and our suburbs expand, particularly along the bayside area, we need to plan for the future. The Mordialloc freeway is just one part of our solution to get families home safer and sooner. When we think about the fact that the economics of this project are a \$4 return for a

dollar invested, you wonder why this project took so long to get underway. In the last budget we confirmed that the 9-kilometre road reserve would be a freeway with no traffic lights all the way from the Mornington Peninsula Freeway up to the Dingley bypass. Excitingly, Chelsea Heights and Chelsea residents will be included in that Mordialloc freeway now, with on and off ramps at Thames Promenade.

This is in addition to our work to transform our state. We can look at the level crossing removals in our community: 13 have been removed out of 30 on the Frankston train line. We can look at the Melbourne Metro rail tunnel. I was up there the other day to see those early works and planning get underway. We will be digging this out of the ground next year, 40 metres below the ground and under the city loop. One of the deepest rail tunnels in the world is being built by the Andrews Labor government. That is the solution to our population growth. We can continue to grow, but we have got to manage those priorities and manage livability in our communities.

And then the additional policy of the Suburban Rail Loop will transform our communities, the way we work and the way we live. Excitingly, that happens in the bayside community of Cheltenham. It will start under Cheltenham and run all the way to Box Hill — a 25-kilometre rail tunnel that will connect Monash, connect the Dandenong and Cranbourne train lines, go all the way up to Box Hill and even visit Burwood on the way up there at Deakin University, where I was a graduate. It is exciting, it is visionary and it is bold, and that is exactly what we need in our state in our future. The Mordialloc freeway is just a part of that broader strategy and those broader works to get people home safer and sooner. So I ask the minister for roads to update my community on the progress of the environment effects statement for this wonderful local project.

Victorian Energy Compare

Mr McCURDY (Ovens Valley) (19:05) — (14 988) My adjournment matter is for the Minister for Energy, Environment and Climate Change, and the action that I seek is that the minister resolve the \$50 rebate debacle that is causing so much grief for individuals, including pensioners and our most vulnerable Victorians who need the rebate the most.

The minister for energy has tried to hoodwink the Victorian public by setting up another sham process for Victorians to shop around and get better power prices for their homes. A \$50 rebate was offered — and personally I do not know anyone who would not want a

free 50 bucks — but constituents are telling me that they cannot access the website. Some do not have the internet, some do not have the skills to go to a library and search and many have just given up after three or four attempts. The minister needs to admit that this is a stunt and has only built up hope for so many and delivered so little for most. Like most of Labor's stunts, this one has backfired on them again.

The action required is that the minister explain to Victorians how she will fix this monumental stuff-up and deliver the rebates she promised.

Kingfield Galvanizing, Somerton

Ms SPENCE (Yuroke) (19:06) — (14 989) My adjournment matter is for the Minister for Industry and Employment, and the action I seek is that the minister join me on a visit to Kingfield Galvanizing in Somerton. Recently the Minister for Energy, Environment and Climate Change toured this local business with me. The business won one of the 2017 Premier's Sustainability Awards for their automated galvanising plant, which produces some of the lowest emissions of any such plant in the Southern Hemisphere. Kingfield Galvanizing have also benefited from being a recipient of one of the Andrews Labor government's Boosting Business Productivity grants. I am sure the minister would be interested in seeing Kingfield Galvanizing's innovative work in action and of course hearing about how they are growing local jobs, and I look forward to him joining me for a visit soon.

Black Rock seawall protection

Mr THOMPSON (Sandringham) (19:07) — (14 990) I wish to raise a matter for the attention of the Minister for Energy, Environment and Climate Change, and the action I seek is that there be a stalling in relation to proposed works to build a rock revetment wall of some 440 metres or so in Black Rock.

I am familiar with a number of foreshore works over the last 30 years which have seen the rebuilding of Hampton beach; the redevelopment of the Sandringham Yacht Club, a very successful project; and sand transported from a Bacchus Marsh quarry to the Edward Street beach. At Sandringham beach there was originally a proposal to build a rock revetment wall, but this move was opposed by the local community owing to concerns regarding the foreshore. The plans were completely changed, and a different proposal was developed to use sand replenishment and the installation of some groynes.

Then a number of years ago there was a proposal by the department to replenish sand at Half Moon Bay. The local lifesaving club had not sought it. The local anglers had not sought it. The local member had not been consulted, and when sand was placed on the foreshore I was grateful for the great work of the former Minister for Environment and Climate Change, the member for Warrandyte, in making an order to remove the sand that was placed there. According to a world expert, Dr Eric Bird, Half Moon Bay saw the natural reticulation of sand within the precinct and no further sand was necessary, and concerns that the boat launch ramp would be jammed did not eventuate.

Moving along the coast, there were sand replenishment works at Mentone. As a result of the channel deepening works we have seen disasters eventuate down near Point Nepean, the loss of beaches and the sandbagging of beaches.

Mr Nardella — Rubbish.

Mr THOMPSON — If the member for Melton was to go on a picnic down there today and aim to sit on the beach, he would not find a beach to sit on.

There have been ongoing problems, and the science of coastal geomorphology is not always an exact science. I urge the minister to cease the works and to engage in worthy consultation with the many earnest and intelligent local stakeholders who want to engage more actively to ensure that other treatments are considered to protect the seawall, to protect the coastline and to enable the precinct to be used by future generations of local residents and in fact all the people of Melbourne — including the member for Melton, should he wish.

Planning buffer zones

Mr NOONAN (Williamstown) (19:10) — (14 991) Tonight I wish to raise a matter for the Minister for Planning. The action I seek from the minister is that he implement the recommendations from his independent planning committee's report on major hazard facilities.

In raising this adjournment matter tonight, I wish to pay tribute to the Save Williamstown group and in particular Charmian Gaud. They have worked tirelessly to put this issue on the minister's agenda. The group are long-time advocates for ensuring that safe distances are kept between new residential developments and major hazard facilities. They worked very hard during the long-running considerations over the woollen mills development in Williamstown and really helped shaped Labor's election policy in the run-up to the 2014 election.

The advisory committee was appointed by the minister to provide advice on land use buffers around major hazard facilities, and really this has in my view gathered the best evidence available because the committee received submissions from right across the community, local government and obviously operators of major hazard facilities and arrived at a report and recommendations which were delivered to the minister in mid-2016. One of the committee's key findings was that there had been an inconsistent approach to considering rezoning of land near major hazard facilities and that greater certainty and consistency was required in this area in the future.

Therefore the action I seek from the minister is that he enact the recommendations from that review and in particular implement a new ministerial direction which would require a planning authority to refer all rezoning applications within the vicinity of a major hazard facility to both WorkSafe Victoria and the Minister for Industry and Employment, who has joined us in the chamber tonight, as part of that decision-making process.

Consumer scams

Mr NARDELLA (Melton) (19:12) — (14 992) My adjournment matter is for the Minister for Consumer Affairs, Gaming and Liquor Regulation. The action I seek is that her department oversight and if necessary investigate, and further if necessary take action, regarding Stop Rent Properties and its principal, Mr John Zadunaisky. This Mr Zadunaisky has changed his name. He was originally called Mr Zadunajsky and was the principal of the deregistered Zadun Homes. Zadun Homes was closed down in 2011, its ABN was cancelled on 11 February 2013 and the company was deregistered on 23 June 2013 because these people were ripping off people and not completing the houses they were building. They were destroying people and these families' lives. They operated rent-to-buy home schemes that ripped off people, took money from them and destroyed their lives. They did not conform to the applicable building codes and constructed shonky homes, many of which they never fully completed.

This Mr Zadunaisky is now back in business after being suspended for three years. He is working in the western suburbs doing this rent-to-buy home scheme again. I personally know families that have been ripped off by this Mr Zadunaisky and who have still not recovered from being ripped off. I warn people contemplating rent-to-buy schemes to consider these schemes in a negative light and not be ripped off by these shonks. This bloke has form and has used a number of entities: Stop Rent Housing operated between 9 December 2005 and 9 December 2011, Zadun Homes operated between

18 January 2000 and 24 February 2008, and Ournuhome operated between 15 February 2006 and 15 February 2009. He has a slick website under the name of Stop Rent Properties, and the department can have a look at this and see the same business model is being utilised by Mr Zadunaisky.

It is important to protect Victorian families, especially with their most expensive purchase. This purchase should set them up for the rest of their lives, but in the past with this character it has been an absolute disaster and has destroyed these people's lives. I will provide the names to Hansard. I ask the minister to keep an eye on this character. I personally know of people who have lost their life savings to this man, and he is operating in the western suburbs.

Roy Dore Reserve, Carrum

Ms KILKENNY (Carrum) (19:15) — (14 993) My adjournment matter is for the Minister for Sport. The action I seek is for the minister to fund the redevelopment of Roy Dore Reserve in Carrum. Roy Dore Reserve is situated in the very heart of Carrum and the pavilion and sports facilities are used all year round by players, affiliate club members and members of the public.

With more than 1400 active members, the Carrum Sports Club at the Roy Dore Reserve is one of the busiest and most community-minded and community-focused facilities in the area. However, they need more space and more changing rooms. Recently the council had to install portable changing rooms just to accommodate overlaps in game fixtures between the junior boys, junior girls and over-35 super rules. I am delighted that Kingston City Council has now allocated \$4 million for stage 1 of the Roy Dore Reserve upgrade. However, this is not quite enough. The council still needs some more funding if this project is to get underway, so they applied for state government funding through the Community Sports Infrastructure Fund in the major facilities category.

I absolutely and wholeheartedly support the Roy Dore Reserve upgrade, and I have been advocating for the upgrade for some time. The council's designs for the Roy Dore Reserve upgrade are exciting. They are well thought-out and practical and will enable the clubs to grow, particularly among girls and women — something the club is actively promoting. The plans also offer excellent scope for future staging. I am so very proud to support the project to upgrade Roy Dore Reserve, and I look forward to being able to celebrate the start of the project to upgrade Roy Dore Reserve with the local community. With state government

funding, the upgrade at Roy Dore Reserve will become a reality.

AGL Crib Point gas terminal

Mr PAYNTER (Bass) (19:16) — (14 994) My adjournment matter is for the Minister for Planning. The action that I seek is for the minister to order a full environment effects statement for AGL's proposed gas import plant at Crib Point and the APA Group pipeline between Crib Point and Pakenham. This project has raised significant concern throughout the community due to its likelihood of threatening both Western Port Bay's high natural values and our highly valued farmland, including highly productive market gardens and farming properties along the pipeline route. The community expects, given the scale of this project and the sensitive environment in which it is to be located, the minister to require a full environment effects statement for the floating storage and regasification unit and pipeline.

The risk to Western Port's unique tidal bay and Ramsar wetland is significant and any damage to this valuable ecosystem would affect many local businesses who rely on the health of the bay. It is essential that this project is assessed to the highest environmental standard. In addition to the issues for Western Port Bay there are significant issues for landowners along the pipeline route. I have discussed these issues at length with AGL, APA and departmental staff. Despite the landowners' protests, all parties have refused to show genuine concern.

Maribyrnong River native fish revival project

Mr PEARSON (Essendon) (19:18) — (14 995) I direct my adjournment matter to the Minister for Agriculture in the other place. The action I seek is for the Essendon Fish Protection Society & Anglers Club to meet with the Victorian Fisheries Authority (VFA) to discuss the Maribyrnong River native fish revival project. Recently the Andrews Labor government made an announcement about improving the environment in the Maribyrnong River and specifically conducting fish habitat and population surveys, installing up to 30 woody fish habitat reefs, stocking up to 300 000 native estuary perch and improving land-based fishing access as well as conducting a study of the early fishing history of the Maribyrnong River to traditional owners and our early settlers. I know that Martin Corkhill from the Essendon anglers would most welcome the opportunity to meet with the VFA to discuss this project in more detail.

Responses

Mr CARROLL (Minister for Industry and Employment) (19:18) — I have pleasure in responding to the member for Yuroke on her adjournment matter. It would be my pleasure to come out and visit Kingfield Galvanizing in Somerton to see firsthand why they won the Premier's Sustainability Award for their automated galvanising plant and to support the member in her endeavours to support local manufacturers. I know the member for Yuroke has been a great supporter of the Dulux factory in her electorate and D'Orsogna, the smallgoods meatworks. I would also like to take the opportunity to congratulate Sussex Taps, also in Somerton, on being part of our Victorian Made campaign.

Ms NEVILLE (Minister for Police) (19:19) — A range of members have raised a number of matters for different ministers, and I will pass those issues on.

The DEPUTY SPEAKER — Order! The house now stands adjourned.

House adjourned 7.20 p.m.

