

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Tuesday, 24 July 2018

(Extract from book 9)

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

The ministry

(from 16 October 2017)

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

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

Speaker

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

The Hon. TELMO LANGUILLER (to 25 February 2017)

Deputy Speaker

Ms J. MAREE EDWARDS (from 7 March 2017)

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

Acting Speakers

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

Leader of the Parliamentary Labor Party and Premier

The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier

The Hon. J. A. MERLINO

Leader of the Parliamentary Liberal Party and Leader of the Opposition

The Hon. M. J. GUY

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

The Hon. D. J. HODGETT

Leader of The Nationals

The Hon. P. L. WALSH

Deputy Leader of The Nationals

Ms S. RYAN

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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

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

¹ Elected 31 October 2015

² Resigned 3 September 2015

³ Resigned 3 September 2015

⁴ ALP until 7 March 2017

⁵ Nats until 28 August 2017

⁶ Elected 14 March 2015

⁷ Died 23 August 2017

⁸ Elected 31 October 2015

⁹ Resigned 2 February 2015

¹⁰ Elected 18 November 2017

PARTY ABBREVIATIONS

ALP — Labor Party; Greens — The Greens;
Ind — Independent; LP — Liberal Party; Nats — The Nationals.

Legislative Assembly committees

Privileges Committee — Ms Allan, Mr Clark, Ms D’Ambrosio, Mr Morris, Ms Neville, Ms Ryan, Ms Sandell, Mr Scott and Mr Wells.

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

Legislative Assembly select committees

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

Joint committees

Accountability and Oversight Committee — (*Assembly*): Mr Angus, Mr Gidley, Mr 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, 24 July 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

Bernard Phillip Dunn, OAM

The SPEAKER (12:04) — Order! I wish to advise the house of the death of Bernard Phillip Dunn, OAM, member of the Legislative Council for the electoral province of North Western from 1969 to 1988. I ask members to rise in their places as a mark of respect to the memory of the deceased.

Honourable members stood in their places.

The SPEAKER — Thank you, members. I shall convey a message of sympathy from the house to the relatives of the late Bernard Dunn.

LEGISLATIVE COUNCIL PRIVILEGES COMMITTEE

Premier

Mr GUY (Leader of the Opposition) (12:06) — I desire to move, by leave:

That this house grants leave for the Premier, the Honourable Daniel Andrews, MP, to appear before the Legislative Council Privileges Committee to give evidence and answer questions relating to the inquiry into matters relating to the misuse of electorate office staffing entitlements.

Leave refused.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Electorate office staffing entitlements

Mr GUY (Leader of the Opposition) (12:06) — My question is to the Premier. On Wednesday, 28 March, I asked you about the Labor red shirts rorting scandal, asking:

... do you categorically deny that any of your past or present Labor MPs ... ever raised ... directly with you or your office

regarding the funding of Labor red shirts campaign staff as electorate officers?

You replied:

No concerns as to the probity of these arrangements were raised with me.

However, when questioned about the probity of the scheme in the upper house privileges inquiry, Adem Somyurek in the Council said, and I quote:

I raised the matter, probably for my own comfort and reassurance, directly with the Premier.

Premier, did Adem Somyurek lie under oath to the Privileges Committee or did you lie to this house on 28 March?

Honourable members interjecting.

The SPEAKER — Order! The Attorney-General is warned. The Leader of the Opposition knows that he has used a word in that question which is not parliamentary. I will allow the question but ask the Leader of the Opposition to refrain from using that word further in this place.

I am going to allow the question as it relates to a previous answer given in this place, but I do remind members that the broad topic matter that the Leader of the Opposition's question relates to could be seen to relate to matters of parliamentary administration, which previous rulings indicate are not government business. Also —

Mr R. Smith interjected.

The SPEAKER (12:08) — Order! The member for Warrandyte will leave the chamber for the period of 1 hour. I will not have members talking over me when I am giving a ruling.

Honourable member for Warrandyte withdrew from chamber.

The SPEAKER — The matter that is referred to in the question, the subject matter, also could be seen to be a matter that occurred prior to the current Premier's administration. I do note from previous rulings that Ombudsman reports are government business, and, as I said before, the question that has been asked relates to a previous question in the house, so I ask the Premier to answer the question within those confines.

Mr ANDREWS (Premier) (12:08) — Thank you very much, Speaker. I thank the Leader of the Opposition for his question. The answer is neither. There is no inconsistency between what I have said and the evidence that has been led at the Privileges Committee — none at all.

Honourable members interjecting.

The SPEAKER — Order! I warn the Leader of The Nationals.

Supplementary question

Mr GUY (Leader of the Opposition) (12:09) — Premier, you continue to say that no-one raised concern about the red shirts with you, yet yesterday on ABC radio you admitted that Adem Somyurek had in fact raised concerns directly about this matter with you. Premier, how can both of these statements be true?

The SPEAKER — Order! I renew my earlier advice in relation to how this question should be answered.

Mr ANDREWS (Premier) (12:09) — Again, Speaker, thank you for your guidance, and I thank the Leader of the Opposition for his question. His question is wrong in that he actively leaves out elements of testimony and selectively quotes from answers I have given in this place. There is no inconsistency between what I have said and what was led in evidence at the Privileges Committee, and that is my answer.

Ministers statements: Melbourne Airport rail link

Mr ANDREWS (Premier) (12:09) — I am delighted to rise to inform the house that a Labor government will build the airport rail link. We will not talk about it, we will not get the paintbrush out and paint ‘Airport rail link this way’, we will not print bogus tickets to catch the airport rail link or spend millions of dollars on TV adverts about the mythical airport rail link, like those opposite did. When they had a chance to get on and make this project real, they instead spent more time on the ads for television than they did on the plans for construction.

The Sunshine alignment has been chosen. Five billion dollars will be allocated to this important project. We welcome the fact that the Prime Minister has discovered Victoria and knows and understands that this is a vitally important project. This alignment — that Sunshine corridor — will also pave the way for further electrification in the metropolitan network, particularly in the west, and that too will underpin improvements in fast rail services for the great cities of Geelong and Ballarat.

That is not talking about growth; that is getting on and providing for it, managing it and underpinning it for the future with the transport projects we need, the jobs that come because of them and, because of our procurement

policies, the skills that come because of those projects as well. That certainly beats handing out flyers down there at Southern Cross or painting on the ground ‘Airport rail link this way’ —

Honourable members interjecting.

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

Mr ANDREWS — or putting bogus ads on TV about how it was a reality.

Honourable members interjecting.

The SPEAKER — The member for Ripon is warned.

Mr ANDREWS — There are some people who talk about major projects, and then there are Labor governments that actually build them.

The SPEAKER — Order! Before calling the Leader of the Opposition, I warn members that the level of noise in the chamber is excessive. I reserve the right to remove members from the chamber without warning.

Electorate office staffing entitlements

Mr GUY (Leader of the Opposition) (12:12) — My question is to the Premier. Premier, in 2015 you stated:

I take full responsibility for each and every thing that occurs under my leadership of the Labor Party and under my leadership of the government.

The Ombudsman, Ms Glass, gave evidence last week that you flat out refused to be interviewed by her. Premier, after stating you would fully cooperate with the Ombudsman, why did you refuse to be interviewed by her? Premier, why are you trying to cover up and keep secret your own involvement in this scandal?

Honourable members interjecting.

The SPEAKER (12:12) — The member for Gembrook will leave the chamber for the period of 1 hour.

Honourable member for Gembrook withdrew from chamber.

The SPEAKER — I will not have members shouting across the chamber.

Mr ANDREWS (Premier) (12:12) — I would draw the Leader of the Opposition to the Ombudsman’s report and the full evidence given by the Ombudsman at the Privileges Committee. That is the substantive

answer to his question, but I will take this opportunity to say I do find it rather curious that the Leader of the Opposition would be lecturing people on cooperation with the Ombudsman — a matter that we might return to quite soon.

Honourable members interjecting.

The SPEAKER — When the Leader of the Opposition is ready.

Supplementary question

Mr GUY (Leader of the Opposition) (12:13) — Yesterday on ABC radio you refused to answer whether any staff paid for by the Parliament who worked in your electorate were participants in Labor's Community Action Network. Premier, you have refused to be interviewed by the Ombudsman and you have refused to answer questions under oath at the parliamentary inquiry. Isn't it time Victorians were told the truth about casual electorate staff employed as part of this scheme and campaigning in the Mulgrave electorate, on which you are avoiding questions in order to avoid admitting guilt?

The SPEAKER — Order! Without going through my earlier ruling, I just remind members that parliamentary administration is not government business, so the employment of electorate officers is not government business; Ombudsman's reports are. The Premier to answer the question.

Mr ANDREWS (Premier) (12:14) — Thank you very much, Speaker. I would refer the Leader of the Opposition to the Ombudsman's report, and I would again take this opportunity to say that the way he has characterised arrangements in his question is completely wrong.

Ministers statements: Mernda rail extension

Ms ALLAN (Minister for Public Transport) (12:14) — What a great day it was on Sunday to join the Premier, the member for Mill Park and Minister for Energy, Environment and Climate Change, and the member for Yan Yean to celebrate the announcement that trains from Mernda will be taking passengers for the first time in a very long time from Sunday, 26 August. It was a great day to be out there and to look at the brand-new station, hear about the 8 kilometres of track that have been built and the two further stations along the line.

Of course the reason we are delivering a train line to Mernda is a previous Labor government extended the rail line to South Morang. We have been able to go on

and extend the rail line to Mernda. If you want to have a look at what a Labor election commitment looks like, you just have to go out to Mernda and have a look at what is going on out there. If people want to have a look at what a Liberal election rail line looks like, they should try and catch a train to, I do not know, Avalon, Rowville or Doncaster. They might want to try and catch a train —

Honourable members interjecting.

The SPEAKER — Order! I ask the Premier and the Deputy Premier to come to order.

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

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

Ms ALLAN — Thank you, Speaker. I am delighted to say that not only are we delivering the Mernda rail extension but we are delivering it on budget and ahead of time — a full six months ahead of time. And that goes with those other great projects: the Metro Tunnel is ahead of schedule and 26 level crossings are gone. Now we will see from the end of next month the opening of the Mernda rail line, three new stations and 2000 car parks, and of course we are planning for the future with an airport regional rail link that is all about making the most of getting people out of their cars and catching trains to the airport.

It is very clear that it is only Labor governments that invest in public transport; it is only Liberal governments that close train lines. And with Jeff being back today we know that is exactly the future — a future Liberal government run by former Premier Jeff Kennett will all be about closing train lines again.

The SPEAKER (12:17) — Order! Before calling the Leader of the Opposition, I note the presence in the gallery of a former member, John Vogels.

Electorate office staffing entitlements

Mr GUY (Leader of the Opposition) (12:17) — My question is to the Minister for Sport. In answers to previous questions you have told this house you acted in good faith in relation to the Labor red shirts rorts. Given the upper house inquiry heard evidence that you were instrumental in getting other Labor MPs over the line to participate in the red shirts campaign scheme and your involvement was seen as a green light for

others to be a part of it, Minister, which of your colleagues did you advise or provide assurances to that the Labor red shirts campaign was legitimate?

Honourable members interjecting.

The SPEAKER — Order! I do renew my earlier advice around the differentiation of what is parliamentary administration and what is government administration.

Mr EREN (Minister for Sport) (12:18) — I thank the Leader of the Opposition for his question. Can I just refer him to the comprehensive report by the Ombudsman. He has asked this question in this place on a number of occasions and I have answered it. I have nothing further to say other than the answers that I have given previously.

Honourable members interjecting.

The SPEAKER — Order! The member for Kew!

Supplementary question

Mr GUY (Leader of the Opposition) (12:18) — Minister, in your refusal to be interviewed by the Ombudsman for her to gain evidence about Labor's red shirts roting, exclusive cognisance was cited as a key reason for your refusal. Minister, can you advise the house what your definition of exclusive cognisance is and why it prevented you from giving evidence to the Ombudsman?

Mr EREN (Minister for Sport) (12:19) — Again, I refer the Leader of the Opposition to the Ombudsman's report.

Honourable members interjecting.

The SPEAKER (12:19) — Order! The member for Kew will leave the chamber for the period of 1 hour.

Honourable member for Kew withdrew from the chamber.

Mr EREN — As I have indicated on a number of occasions, these types of questions have been asked on previous occasions.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition on a point of order.

Mr Guy — On relevance, Speaker. I have never asked this question previously of this minister. I have asked it very clearly of him —

Honourable members interjecting.

The SPEAKER — Order! The Deputy Premier!

Mr Guy — I have asked it very clearly of him about his definition of exclusive cognisance and why it prevented him from giving evidence to the Ombudsman. It is a very clear question to him. I ask you to bring him back to answering it.

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

Mr EREN — As the Ombudsman has indicated, Speaker, all of the MPs involved acted in good faith. I have nothing further to say on this issue.

Mr Clark — On a point of order, Speaker, in the minister's answers to both the substantive and the supplementary questions it appears he has stuck to a pre-rehearsed form of words which has gone nowhere near addressing the questions that were asked of him. His answers were not responsive, and I ask you to direct him to provide written answers to both the substantive and supplementary questions.

The SPEAKER — I will consider that matter when looking at *Hansard* and come back to the house.

Ministers statements: steel industry

Mr CARROLL (Minister for Industry and Employment) (12:21) — I rise to update the house on how the Andrews government's record investment in infrastructure is delivering for our local steel industry and delivering local jobs for local Victorians.

Last week I had the great pleasure to join the member for Frankston at BlueScope's manufacturing site in Western Port to meet some of the 100 workers that have been put on over the past 12 months, helped by the Andrews Labor government's record investment in infrastructure. Six years ago the steel industry was struggling, just as the state Liberal government was.

We have mandated the use of local steel. There have been 26 level crossings removed with up to 100 per cent local steel used in the process. Congratulations to the member for Frankston on the opening of the Skye Road level crossing last month. On the West Gate tunnel there will be 92 per cent local steel used; for the Metro tunnel there will be 93 per cent. Our steel industry is booming. When we met with BlueScope during the global financial crisis their shares were under \$1. They are now over \$18, and they pay a lot of credit to the Andrews Labor government's record investment.

Honourable members interjecting.

Mr CARROLL — Speaker, they are shouting. There is only one steel job they have got, and it is always for the man of steel in New South Wales to come down. The member for Malvern cannot even get Peter Costello up to give a pep talk to them.

Honourable members interjecting.

The SPEAKER — Order! The member for Hawthorn!

Mr CARROLL — It is always importing John Howard. We have 88 strategic projects underway over their eight — 88 versus eight.

Honourable members interjecting.

The SPEAKER — Order! The member for Hawthorn!

Mr CARROLL — An AFL coach can get sacked, but not the Leader of the Opposition. They think local content is something to be aspirational about. We are delivering on local jobs, delivering for our local steel manufacturers and making sure Victoria has the transformational projects going forward, but we are also making sure that we give local apprentices every opportunity to work on our major projects. We are very proud of our local steel industry. It is companies like BlueScope that are delivering and exporting, and we are very proud to be a partner with them along the way.

Melbourne Airport rail link

Ms SHEED (Shepparton) (12:23) — My question is for the Minister for Public Transport. Minister, with the announcement of state funding for an airport rail link and four route options on the table, what consideration is being given to accessibility to the airport for regional Victorians, especially those in the state's north-east who travel along the Shepparton–Seymour and Albury–Seymour lines?

Ms ALLAN (Minister for Public Transport) (12:23) — I would like to thank the Independent member for Shepparton for her question, and I was —

Honourable members interjecting.

Ms ALLAN — They always giggle at that, don't they? It still hurts. It was very interesting to see in today's *Shepparton News* where the *Shepparton News*, and by extension the broader Shepparton community, understands well that there is a great opportunity here, thanks to the work that has been done by the Andrews Labor government, to connect regional Victoria into a

future airport rail link. There were other options that we could have pursued — other options that were being pursued by some — that would not have given us the opportunity to leverage off the investment in an airport rail link to reach into —

Honourable members interjecting.

The SPEAKER — Order! The member for Ripon!

Ms ALLAN — Let the record show it was the member for Ripon talking against connecting regional Victoria to an airport rail link. Let the record show.

Honourable members interjecting.

The SPEAKER (12:24) — Order! The member for Frankston and the member for Ripon will leave the chamber for the period of 1 hour.

Honourable member for Frankston withdrew from chamber.

Mr Clark — On a point of order, Speaker, I raise with you standing order 118 about imputations. The minister has made an outrageous imputation against the member for Ripon in terms of her false allegation against her, and I ask you to instruct the minister to comply with standing orders and not make false imputations against other members of this house.

The SPEAKER — I have asked the member for Ripon to leave the chamber.

Honourable member for Ripon withdrew from chamber.

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

Ms ALLAN — As I was saying, we are only talking about the opportunity to connect regional communities, whether it is Geelong, Ballarat, Bendigo, Shepparton or Seymour, into an airport rail link because of the work that has been done by the Andrews Labor government and the announcement that was made by the Premier in November of last year, where he made it very clear that the policy approach that we wanted to take in investing in an airport rail link was about making sure we maximised the connections for regional communities.

Honourable members interjecting.

Ms ALLAN — That stands in stark contrast to particularly those in the National Party, who have a strong record in closing country train lines. We take a very different approach.

In terms of the work that is going to be pursued from now as we move into this full business case work that needs to be done, we will be looking at how future connections can be linked in north of the airport, and that obviously brings in how we can connect communities like Shepparton, and the Seymour line and indeed the Bendigo line as well, as part of planning for the future. We will focus on delivering an airport rail link that gives us those connections into the regions in looking at how we can get faster rail to Geelong and Ballarat. But also as part of that planning work I want to make it very, very clear to the member for Shepparton, and through her to her wider community, that this will very much look at how we can connect those northern Victorian communities into an airport rail link.

The only reason we can also talk about connecting Shepparton into an airport rail link is the work we have done in improving Shepparton's rail services: \$356 million has been committed by this government to deliver VLocity trains, nine services a day, to the Shepparton community after a long, long — decades long — period of neglect by those opposite in Shepparton.

Supplementary question

Ms SHEED (Shepparton) (12:27) — Minister, with \$356 million being invested in the Shepparton–Seymour line to provide for nine VLocity services a day by 2021, together with forecast population growth in my electorate, increased train patronage and the current congestion along the commuter rail corridor, how could we benefit from the new airport service, and is it possible that there is consideration for perhaps a direct link to the airport from Wallan to save people going into the CBD first?

Ms ALLAN (Minister for Public Transport) (12:28) — As I indicated in my response to the substantive question, we will absolutely be looking at how we can make an easy and fast connection for northern communities into an airport rail link, and I am happy to provide the member for Shepparton with a follow-up briefing with officials on the work that is being done.

As I said before, the only reason we can talk about connecting Shepparton to an airport rail link is the \$356 million commitment that has been made by this government after a long period of neglect — decades of neglect — in Shepparton by the Liberal and National parties, who had in the last government two ministers representing Shepparton and they failed to represent them. Can I also say that record of failure goes on. They are now saying that they want to continue to

short-change Shepparton with a paltry \$77 million commitment to the Shepparton community. I can assure the Shepparton community we are going to deliver those services and do the work that is needed to improve train services to Shepparton.

Ministers statements: new schools

Mr MERLINO (Minister for Education) (12:29) — I rise to update the house on the delivery of new schools across Victoria's growing suburbs. Our state is growing faster than any other, and that is why we are making the biggest investment in new schools and school building upgrades in Victoria's history. We have got nine new schools opening next year, and the delivery of the 11 new schools to open in 2020 is also on track. Just last week I turned the first sod of the new Armstrong Creek West Primary School, a school that will open its doors in 2020. That is just one of 70 new schools in the construction pipeline across our state, particularly in Melbourne's growth areas where the student population is booming.

In the City of Casey, for example, we are rolling out seven new schools in Cranbourne and Clyde North. The demand for new schools in the City of Casey is massive, but that enrolment pressure did not start in November 2014. The responsible thing for any government to do is to buy land where schools are needed, yet in the last year of the former Liberal government they did not fund the acquisition of a single piece of land for new schools.

There were other priorities. The now Leader of the Opposition's priority was to rezone a 100-hectare egg farm in Cranbourne to massively benefit Liberal Party donors. Well, surprise, surprise! There was a dodgy, rotten smell about the former Minister for Planning and the lining of his dodgy donor mates' pockets. Our last budget has funded three new schools in Cranbourne, and we are purchasing land for four new schools, unlike the Leader of the Opposition, who is only interested in his donor mates.

The SPEAKER — Order! The Deputy Premier's time has expired.

Fairness Fund

Mr HODGETT (Croydon) (12:31) — My question is to the Premier. Premier, your government has refused to make public the criteria regarding your taxi industry Fairness Fund, despite you giving personal assurances to taxi families before the 2014 election that these families would be better off under your government. Some of the people you looked in the eye and gave that

assurance to are here in the gallery today, and many are watching online. They claim that you misled them and that they are far worse off now than ever before. Premier, will you now look them in the eye again but this time to apologise to them for destroying their lives?

Mr ANDREWS (Premier) (12:32) — I thank the member for his question. I do find it rather difficult to take the opposition seriously when it comes to compensation for taxi licence holders when they voted against every element of the compensation package. The best part of \$500 million worth of support in multiple funds provided by this government — set aside, budgeted — were measures voted against by the very people who would now pretend to care about taxi licence owners. The hypocrisy of those opposite is limitless, and the only misleading that is being done here is by those opposite pretending to care about the people they voted against and their compensation.

Mr Hodgett — On a point of order, Speaker, the Premier is debating the question. I ask him will he now look them in the eye and this time apologise to them for destroying their lives? Look them in the eye, mate!

The SPEAKER — Order! There is no point of order. The Premier has concluded his answer.

Honourable members interjecting.

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

Supplementary question

Mr HODGETT (Croydon) (12:34) — Premier, what responsibility do you take for the financial ruin and destruction of taxi families through the cruel attack made by your government on the value of taxi licences held by hardworking taxi families and for the terrible consequences that have resulted for those families from your policies?

Mr ANDREWS (Premier) (12:34) — There are some in the community that were happy to ride around visiting the Uber head office. They were happy to put it on social media — ‘best friends of Uber’. Then they voted against the very compensation they now say is not adequate. Those opposite are frauds at best, and they have no credibility when it comes to supporting the taxi industry. They would have deregulated — in fact they did, under the Fels inquiry, make massive changes to the taxi industry. And how much compensation was there? Zero. I think they assume that those in the taxi industry are unaware of the history of these matters. They know and understand who voted

against their compensation and who made changes with no compensation, and that of course would be you.

Honourable members interjecting.

The SPEAKER — Order! I ask the Leader of the Opposition and the manager of government business to cease shouting across the chamber.

Ministers statements: road upgrades

Mr DONNELLAN (Minister for Roads and Road Safety) (12:35) — I rise to update the house on the progress of major road upgrades across the whole of Melbourne. In recent times I was with the deputy leader for the formal opening of the Monash Freeway upgrade. We know people in the south-east are already enjoying enormous benefits — not only for those getting to and from work but also for the freight industry, because while we were doing that work we upgraded eight bridges to ensure that they could handle higher and heavier trucks. We have also introduced a freeway management system from the city right through to Clyde Road, and that will provide smoother travel times for those drivers and more reliability. Recently I was also with the Premier when we started the western roads upgrade at Dohertys Road — another eight major upgrades which are very much needed out in the west.

I wanted to inform the house that we have now gone out for expressions of interest for work in both the north and the south-east — major upgrades including Lathams Road. I know the member for Carrum was very excited when we went down there and launched that. There is also Koo Wee Rup Road in the south-east. I notice the member for Bass tried to pretend in the local papers that he had actually made the announcement. But the local people know who builds roads and who does not, and that is the Labor Party.

We know we need to keep moving faster, and that is what we are doing. But what would be the alternatives? You could bathe yourself in the glory of government. You could love the leather seats and you could lather yourself in Cussons Imperial Leather soap and do absolutely nothing and grow the economy at 0.8 per cent. That is pretty much what they did. Or you could have new fireside chats for \$10 000, whether it be down at Ventnor or whether you do it at Portland House or whether you do things like that. What you do is you sit down with the don of planning, and the don of planning deigns that you will have a major rezoning in your pocket very soon.

Ms Ryall — My point of order relates to adjournment matter 14 403 to the Minister for Roads and Road Safety. It was in relation to a very dangerous intersection in my electorate of Ringwood. There has been no response, but I highlight the fact that as there had been no response from the minister we went out and made an election commitment to address that issue. Within 3 hours the minister had rushed out a media release saying that he will do the things that I had actually requested in my adjournment matter, yet I still have not received a response from the minister. He could have just said, ‘Thank you; we’ll do it’, but instead he has put parliamentary process and our standing orders on the backburner to rush out a media release. I would ask that that be addressed and that he respond to me as required.

I also raise a point of order in relation to adjournment matter 14 536, also to the Minister for Roads and Road Safety, who seems to lag somewhat in responsiveness to his questions. This was in relation to a pedestrian crossing on Maroondah Highway that is needed right in the vicinity of an aged-care facility. That was raised on 7 June 2018, so I would ask that perhaps the minister be given his marching orders.

The SPEAKER — I thank the member for that point of order. I will raise the matter with the minister.

Mr T. Bull — I have a point of order, Speaker, also in relation to some unanswered questions, the first of those being question on notice 14 492, asked of the Minister for Energy, Environment and Climate Change on 6 June, in relation to domestic firewood collection. That is a very, very important issue within my region.

Question 14 552 was asked on 19 June of the Minister for Emergency Services in regard to the Bairnsdale fire brigade, again a very important service in my community.

Questions 14 554 and 14 555 were asked on 19 June of the Minister for Health and related to bush nursing centre funding. Again these are organisations and entities that provide high levels of very important services within the East Gippsland region.

Question 14 598 was asked on 21 June of the Minister for Education and was in regard to the Victorian College for the Deaf. That has not been answered.

Question 14 599 was asked on 21 June of the Minister for Roads and Road Safety in regard to works on Princes Highway east.

The final one is question 14 600, which was asked on 21 June of the Minister for Housing, Disability and

Ageing in regard to recurrent funding for disability organisations. Speaker, these are all very important issues either for my electorate or for entities across the state, and I would seek your cooperation in getting some urgent answers delivered.

The SPEAKER — I will follow those matters up for the member.

CONSTITUENCY QUESTIONS

Bayswater electorate

Ms VICTORIA (Bayswater) (12:42) — (14 645) My question is to the Minister for Education. When will your department provide funding for urgent electrical works required at Boronia West Primary School? The electrics in this school are so old that the circuits keep tripping, and the wiring has metal casing as the earth, which demonstrates how old it is. It is not safe, it is non-compliant and it needs urgent replacement.

This issue is not for the school community to fund. This is basic mandatory compliance and funding must come from the Department of Education and Training, and it needs to happen immediately. This school have already been told they have to personally pay for their replacement heating and cooling, after the standard issue heaters were found to be emitting carbon monoxide. For safety’s sake they were shut down, and teachers brought in their own portable heaters from home. Because the wiring is in such a bad state this in turn triggered a shutdown of school classroom lighting. Minister, when will you instruct your department to undertake these essential works to ensure this school and its students are safe?

Yuroke electorate

Ms SPENCE (Yuroke) (12:43) — (14 646) My constituency question is to the Minister for Education, and I ask: how many children in the Yuroke electorate have benefited from the Andrews Labor government’s Glasses for Kids initiative? In addition to our record investment in school infrastructure, families in the Yuroke electorate have strongly welcomed the government’s efforts to improve fairness and equity in our education system. The Glasses for Kids initiative presents a fantastic opportunity to make a big difference to kids experiencing eyesight problems by ensuring they do not miss out on getting a great education. I thank the minister for ensuring my community benefits from these important investments, and I look forward to receiving his response.

Euroa electorate

Ms RYAN (Euroa) (12:43) — (14 647) My question is for the Minister for Roads and Road Safety, and I would like to know when the minister will instruct VicRoads to construct drains on the Murchison-Tatura Road to stop water from damaging the road and flooding properties like that of Mr Robert Wright. In December last year Mr Wright got in contact with me about drainage at his property at 115 Murchison-Tatura Road. After heavy rainfall he found that his front paddocks were completely under water, and he and his neighbour were both seriously impacted. Mr Wright had a paddock that resembled a lake and water banking up to 30 metres from the front door of his house.

In December I asked the minister to address the issue of water sheeting off the road; however, it has still not been rectified. Mr Wright contacted me again recently, some seven months later, to advise that VicRoads had visited the property, indicated a willingness to resolve the drainage problem and engaged contractors, but since then the contractors have flattened vegetation and not constructed any drains.

Yan Yean electorate

Ms GREEN (Yan Yean) (12:44) — (14 648) My question is to the Minister for Roads and Road Safety, and I ask: as a result of the Yan Yean Road and Plenty Road upgrades, how can trees removed along the alignment of these road upgrades be used for the maximum benefit of the community? The community welcomes these road upgrades but is suffering grief in some circumstances due to the removal of these trees. We want an assurance that the trees will be re-used in our local community to maximise the benefit for the local community.

Ringwood electorate

Ms RYALL (Ringwood) (12:45) — (14 649) My constituency question is for the Minister for Health. My question is: why does my constituent who is a pensioner have to wait more than 15 months to access the public dental service to receive attention for her chipped and damaged teeth? On 21 September 2017 I raised an issue with the minister in relation to the number of people waiting on dental lists, a shortage of dental chairs and a never-ending list that they just could not get to in relation to dental treatment. Even though the answer was inadequate and sought to blame another level of government about this, I am still trying to find out why and when pensioners and the like can actually receive appropriate dental treatment.

Williamstown electorate

Mr NOONAN (Williamstown) (12:46) — (14 650) My question today is for the Minister for Roads and Road Safety. It relates to the recently released terms of reference for the corridor study group which is associated with the West Gate tunnel project, and in particular the terms of that study, which indicate that the group will investigate the optimal use of key local roads such as Millers and Williamstown roads. I understand that the study group comprises two component part groups — one being a steering group, which has recently met, and the other being a working group which will feature representatives of the local community, which will of course become very important in terms of providing an opportunity for my constituents to add value to the work of this particular group. My question to the minister is quite simple: when will the working group begin operating and meeting?

Burwood electorate

Mr WATT (Burwood) (12:47) — (14 651) My question is to the Minister for Police. Minister, by your own acknowledgement you removed police from the Burwood police station more than three years ago. Crime has gone up by 17.65 per cent since that time —

Ms Neville — Wrong, wrong!

Mr WATT — Seven weeks ago we had a car cause significant damage to the actual police station. I drive past that police station regularly and notice that the police station still has the State Emergency Service tape on it and still has the rubble on the floor. I understand that you have no interest in police officers being in the station, but when are you actually going to organise for the brickwork to be fixed? When are you going to organise for the police station to be put back together after the accident that occurred more than seven weeks ago?

Bentleigh electorate

Mr STAIKOS (Bentleigh) (12:48) — (14 652) My question is to the Minister for Education. The Liberal Party's candidate for Bentleigh recently caused confusion among local school principals when he wrote to them claiming that he is matching the Andrews Labor government's 2018 budget allocations to four local schools. Given it is impossible for an opposition to match funding that is already in the budget, I can only assume that the candidate was confused and unsure —

Mr Pesutto — On a point of order, Speaker, I think this is outside the scope of proper debate in this place. The member is unfairly and unduly attacking the

Liberal candidate for Bentleigh, who is just doing his utmost to get the best result for the people of Bentleigh.

The SPEAKER — Order! There is no point of order. I ask the member to continue with his question.

Mr STAIKOS — Given it is impossible for an opposition to match funding that is already in the budget, I can only assume that the candidate was just confused. So to help him out I ask: when was the last time a Victorian Liberal government funded new permanent buildings — that is, not portables — at McKinnon Secondary College, East Bentleigh Primary School, Bentleigh West Primary School and Ormond Primary School?

Polwarth electorate

Mr RIORDAN (Polwarth) (12:49) — (14 653) My question is to the Minister for Roads and Road Safety. Can the minister tell the people of Polwarth what he is doing to fix the dangerous intersection at the corner of Timboon-Colac Road, also referred to as Tomahawk Creek Road, and Princes Highway west at Nalangil, notoriously known as the blue church corner. After years of public outcry, including my own representations on behalf of locals, there was yet another accident at that intersection last week. With multiple fatalities and many lucky escapes having taken place at this intersection, isn't it time to concede that VicRoads must act? I implore you, Minister, to give a real answer to the community, not one which merely promises shuffling money around the state while ignoring this problem.

On Sunday I met with a large crowd of lively and concerned locals who expressed clearly their frustration about the lack of commitment to making this intersection safe. This government has been slow to acknowledge the incredibly high rate of non-Victorian licence-holders involved in accidents on the Great Ocean Road drive circuit. The blue church intersection is yet another intersection that requires a multipronged approach to improving safety. Apart from obvious sight lines, it requires other physical improvements.

Ivanhoe electorate

Mr CARBINES (Ivanhoe) (12:50) — (14 654) My constituency question is to the Minister for Police, and I seek information on the installation of road traffic safety cameras on Rosanna Road. That is part of a \$3 million upgrade to Rosanna Road safety treatments and includes traffic safety cameras at the intersection of Rosanna and Banyule roads, an area that is particularly used by people in my community to get to and from

Banyule Primary School, a great local primary school in the Ivanhoe electorate. I know that tenders have closed for the works to install road traffic safety cameras at two locations along Rosanna Road. I am keen to understand how the tender process will be concluded and a preferred tender announced so we can do the consultation works with the local community and then of course get on with delivering those safety improvements much desired by the local community. We have seen significant investment from our government on safety on Rosanna Road, and I commend the minister for her work on this project.

RULINGS BY THE CHAIR

Photography in chamber

The SPEAKER (12:51) — On Thursday, 21 June, the last sitting day in this place before a break, the member for Eildon raised a point of order in relation to a post on Twitter by the member for Melbourne that appeared to feature a picture of protesters in the gallery taken from the Legislative Assembly chamber — I think it was from the preceding Tuesday. In response to the point of order I contacted the member for Melbourne to determine when the photograph was taken. The member for Melbourne confirmed that the photograph had been taken in the chamber after the house had been suspended following the protest.

I have considered a number of issues while reviewing this matter. I note that the practice of this house is that photographs cannot be taken whilst the house is sitting other than by accredited media. Technically the period that the house is sitting commences after the prayer and concludes when the house is adjourned at the end of the sitting day.

A strict interpretation of the practice of the house could be that photographs should not be taken in the chamber at any time of the sitting day, including when the house is suspended for lunch or any other reason. I am aware, however, that it has been the practice of many members on occasion to show guests or visitors the chamber during lunch breaks on sitting days and that photographs are often taken when this occurs. I do not view this practice as detrimental to the operation of the house; in fact I think it provides members of the public with a better perspective of the Parliament and is a demonstration of goodwill.

On the occasion referred to by the member for Eildon the house was suspended due to a disruption in the gallery. This is different from a routine lunch suspension. I am concerned that publishing photos of disturbances in the gallery on social media could

encourage disruptions to proceedings of the house and create risks to the effective functioning of the house.

At this stage I do not wish to forbid photography in the chamber during periods when the house has been suspended such as lunch breaks, as I have just mentioned, and I hope the conduct of members at other times when the sitting is suspended will not make this necessary. I therefore ask all members to carefully reflect before taking photos in the chamber during a suspension to ensure the smooth running of proceedings in the house and to ensure that their actions support this endeavour.

CORRECTIONS AMENDMENT (PAROLE) BILL 2018

Introduction and first reading

Ms NEVILLE (Minister for Police) (12:53) — I move:

That I have leave to bring in a bill for an act to amend the Corrections Act 1986 and for other purposes.

Speaker, I can advise the house that the other parties and Independent members have been provided with a copy of the bill and a briefing in accordance with standing order 61(2).

Motion agreed to.

Read first time; ordered to be read second time immediately.

Statement of compatibility

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

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (**Charter**), I make this Statement of Compatibility with respect to the Corrections Amendment (Parole) Bill 2018 (**Bill**).

In my opinion, the Bill, as introduced to the Legislative Assembly, is incompatible with human rights in the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The Bill substitutes, and also inserts new, provisions in the *Corrections Act 1986* (**Act**) dealing with the powers of the Adult Parole Board (**Board**). Specifically, the Bill provides that the Board:

must not (except in limited circumstances) make a parole order in relation to certain persons who have been convicted of murder and sentenced to a term of imprisonment with a non-parole period, where the person murdered was a police officer and the Board is

satisfied that at the time of the conduct the prisoner had a certain state of knowledge about the victim's status as a police officer or the likely effect of the prisoner's conduct; and

must not make a parole order in relation to the prisoner Craig Minogue except in certain limited circumstances.

Human rights issues

In 2016, the Parliament passed the Justice Legislation Amendment (Parole Reform and Other Matters) Bill 2016 (**JLA Bill**), which introduced s 74AAA to the Act. The purpose of that provision is to ensure that prisoners who have been convicted and sentenced to imprisonment for murdering a police officer with a non-parole period are not granted parole. This year, the High Court in its decision in *Minogue v. Victoria* [2018] HCA 27 held that as a matter of construction this provision did not apply to Craig Minogue, who was sentenced in 1988 for the Russell Street bombing which killed Victoria Police Constable Angela Taylor. The Court held that s 74AAA only applies to a prisoner convicted of murder who was sentenced on the basis that they knew that, or were reckless as to whether, the victim was a police officer. The Court further held that the only materials that could be relied upon to determine whether a prisoner fell within one of those classes were the reasons of the sentencing judge and the reasons of an appellate court if, and only if, that appellate court had re-sentenced the offender.

This Bill will address the issues raised by this decision, and make it clear that the provisions are intended to apply both to Craig Minogue specifically and to persons generally who meet the relevant criteria and who the Board decides had sufficient knowledge that the person they killed was, or was likely to be, a police officer.

Clause 4 of the Bill substitutes s 74AAA. New s 74AAA(5) provides that after considering any parole application by a prisoner where the provision applies the Board must not make a parole order unless it is satisfied (based on a report from the Secretary to the Department) that the prisoner is in imminent danger of dying or is seriously incapacitated, and as a result, no longer has the physical ability to do harm to any person and has demonstrated that they do not pose a risk to the community. The Board must also be satisfied before making a parole order that the making of the order is justified.

New s 74AAA(1) only applies in respect of a prisoner who has been convicted of murder and sentenced to a term of imprisonment with a non-parole period, where the victim of the offence was a police officer (who at the time of the murder was performing any duty as a police officer or where the murder was connected to their role as a police officer), and, where the Board is satisfied that at the time of their conduct, the prisoner either intended to kill or cause really serious injury to a police officer, knew that the person killed was a police officer, or knew that it was probable that a police officer would be killed or really seriously injured. The new section further provides that in reaching this state of satisfaction, the Board must have regard to the record of the court, which is defined to include specific materials.

Clause 5 inserts new s 74AB into the Act, which provides that the Board must not make a parole order in respect of Craig Minogue unless it is satisfied, based on a report of the Secretary of the Department, of certain factors, which are the same as those discussed above in respect of new s 74AAA(5).

Both sections include an override for the purposes of s 31 of the Charter, providing that the Charter has no application in relation to those sections. The sections further expressly provide that s 31(7) of the Charter, which limits the operation of any override provision to a 5 year period, also does not apply to their operation.

These clauses collectively are relevant to, and in some cases limit, the following human rights in the Charter:

the right to equality before the law (s 8(3));

the right to liberty (s 21);

the protections against cruel, inhuman and degrading treatment (s 10(b)) and the right to humane treatment when deprived of liberty (s 22);

the protection of children, generally (s 17(2)), and the protection of children in the criminal process (s 23);

the right to fair hearing (s 24); and

the prohibition on retrospective criminal laws (s 27).

Human rights protected by the Charter that are relevant to the Bill

The right to equality before the law (s 8(3))

Section 8(3) of the Charter provides that every person is equal before the law. There is some uncertainty whether this right is intended to operate as a prohibition on unequal treatment by reference to discrimination based on a protected attribute, as defined in the *Equal Opportunity Act 2010*, or has a broader application beyond protected attributes.

In relation to the parole reforms in clauses 4 and 5, it could be said that removing the possibility of parole for certain offenders (both Craig Minogue and those convicted and sentenced for murder where the victim was a police officer) treats these offenders differently from other offenders having committed the same offences (but against different, non-police victims). Affording equal protection of the law means properly allowing those who have committed the same offences to have equal access to the parole regime.

In my view, the concept of equal treatment has been interpreted in Victoria as being directly tied to discrimination by reference to the protected attributes in the *Equal Opportunity Act 2010*. 'Equality before the law' refers to the enforcement and administration of laws, rather than their content or enactment, and requires that all court or administrative decisions not be applied in an arbitrary or discriminatory manner. The second limb of s 8(3) of the Charter is concerned with the content and substance of a law, and requires that a law provide equal and effective protection without discrimination. This comprises two elements: preventing discriminatory laws from being enacted, and ensuring that laws treat people in the same way except where there is reasonable justification for not doing so.

These reforms treat certain convicted offenders differently based on their conduct and the circumstances of their offending. This is an accepted form of differential treatment, which already occurs in many other aspects of the sentencing and parole system. The nature of these systems involves differentiating categories (and circumstances) of offending based on their nature and seriousness, and attaching different

legal consequences and administrative procedures to different categories. As this differential treatment does not engage a protected attribute, I do not consider that the right to equality is limited by these reforms.

The right to liberty (s 21)

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

The severe curtailment of certain offenders' ability to be granted parole may appear to constitute a deprivation of liberty, as an offender will, in most circumstances, no longer be eligible for early release (or any release if serving a life sentence).

However, the constraints on the granting of parole in clauses 4 and 5 do not themselves deprive any persons of their liberty. That deprivation will have already occurred by way of the relevant offenders' sentences of imprisonment. The right to liberty is reasonably and justifiably limited where the person is deprived of their liberty under sentence of imprisonment after conviction for a criminal offence by an independent court after a fair hearing. The provisions of this Bill do not purport in any way to alter the original sentence of the court, in that they do not affect the head sentences of imprisonment imposed by the court or increase the limitation caused by the court's sentence. The reforms only alter the conditions on which the Board may order release on parole during the currency of the sentence, and after the expiration of a non-parole period. This does not change the fact that the prisoner has been deprived of liberty and lawfully detained for the duration of the head sentence. As such, the constraints on the granting of parole cannot properly be construed as depriving a person of their liberty.

I note that the setting of a non-parole period does not create a right or an entitlement in a prisoner to release on parole, nor to the continuation of a particular legislative scheme for release on parole for the duration of a prisoner's sentence. The High Court held in *Crump v New South Wales* (2012) 247 CLR 1 that the power of the executive government to order a prisoner's release on parole may be broadened or constrained or even abolished entirely by the legislature of the state, to reflect changeable policies and practices.

Accordingly, I am of the view that the human rights in s 21 are not limited by these reforms, which ultimately permit deprivation of liberty on grounds, and in accordance with procedures, established by law.

Children's rights (ss 17(2) and 23)

Section 17(2) provides that every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child. Section 23(3) provides that a child who has been convicted of an offence must be treated in a way that is appropriate for his or her age.

In my view, the parole reforms in clause 4 will have a limited effect on child offenders. The parole reforms do not apply to the Youth Parole Board, which hears parole applications

involving children under the *Children, Youth and Families Act 2005*.

Further, there are many protections built into the sentencing system to ensure sentences for children or young offenders take into account their age and prospect for rehabilitation, and allow for alternative sentences such as a youth justice centre order or a youth residential centre order.

I note that in relation to existing offenders currently serving a sentence, these reforms will not capture any existing offender who was sentenced as a child.

Right to a fair hearing (s 24)

Section 24 relevantly provides that every person charged with a criminal offence has the right to have the charge decided by a competent, independent and impartial court.

The reforms to parole in clauses 4 and 5 may be viewed as relevant to the right to a fair hearing in their impact on either the judicial sentencing decision, or the executive parole decision. First, it may be argued that the practical effect of these reforms is equivalent to replacing a court sentence that includes a non-parole period with an effective sentence that does not include a parole period.

However, I am of the view that the right to a fair hearing is not limited by these reforms. The Chief Justice of the High Court in *Crump v NSW* found that there is a clear distinction between the judicial function exercised by a judge in fixing a minimum term, and the administrative function exercised by a parole authority in determining whether a person eligible for release on parole, by reason of the judge's sentencing order, should be released. In fixing a minimum term before a prisoner can be considered for release on parole, the sentencing judge determines that all the circumstances of the offence require that the offender serve no less than that term, without the opportunity for parole. The purpose of parole generally is to provide for mitigation of the punishment of the prisoner in favour of rehabilitation through conditional freedom, when appropriate, once the prisoner has served the minimum time.

Once an offender is sentenced, the administration of that sentence passes to the executive government. The executive decision to release or not to release a prisoner on parole may reflect policies and practices which change from time to time. Although the fixing of a non-parole period may in some circumstances permit an executive body to reduce the period of time which the applicant would spend in prison, it leaves the sentence unaffected as a judicial assessment of the gravity of the offence which the offender committed.

Accordingly, following the High Court's reasoning in *Crump v NSW*, I am of the view that the right to a fair hearing is not limited, as the court's determination of the criminal charge and subsequent sentence remains unaffected by these parole reforms. This analysis also applies to new s 74AB.

Secondly, in my view the making of a parole decision in respect of the prisoner in question does not engage the right because such a prisoner is neither charged with a criminal offence, nor involved in a civil proceeding within the meaning of s 24(1) of the Charter for the purpose of that decision. A prisoner applying for parole does not have any entitlement to be heard in respect of their application, and neither the Charter nor the rules of natural justice apply to that decision.

Protection against retrospective criminal laws (s 27)

Section 27(2) provides that a penalty must not be imposed on any person for a criminal offence that is greater than the penalty that applied to the offence when it was committed.

The new sections inserted by clauses 4 and 5 apply retrospectively to existing offenders and charged persons. Further, new s 127A provides that those provisions apply regardless of whether prior to the commencement of the amendments to ss 74AAA and 74AB a prisoner to whom s 74AAA applies or Craig Minogue, had already become eligible for parole, taken any steps to ask the Board to grant them parole, or the Board had begun any consideration of whether the prisoner should be granted parole.

Therefore, the right under s 27(2) may appear to be engaged. However, in my view, the right in s 27(2) is not limited by these reforms, as the denial of parole in accordance with the new conditions is not properly characterised as punishment. Parole is administered by the Board under the Act. As already stated, although a sentencing court fixes the non-parole period, the fixing of such a sentence exhausts the relevant court's judicial function, and the punitive component of the sentence. Parole then becomes a matter of executive discretion, within the confines of a legislative scheme, such as the *Corrections Act 1986*, and is focused rather on rehabilitation considerations. As previously mentioned, the High Court has held that it is open to the legislature to alter the circumstances in which particular persons may be released on parole, even during the currency of their prison term.

I note that issues of unfairness may appear to arise in relation to the retrospective effect of these reforms; however, I will address this within the context of the protection from cruel, inhuman or degrading treatment, and the right to humane treatment, discussed below.

Human rights that are limited by the Bill

Cruel, inhuman, degrading treatment (s 10(b)) and inhumane treatment (s 22(1))

Section 10(b) provides that a person must not be treated or punished in a cruel, inhuman or degrading way. Similarly, s 22(1) provides that all persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person.

The effect of the reforms to parole in clauses 4 and 5 is that certain prisoners (who are serving life sentences), including the named prisoner Craig Minogue, may remain effectively ineligible for parole until they are either close to death or permanently incapacitated. This may be considered to constitute cruel, inhuman or degrading treatment, or inhumane treatment when deprived of liberty, as the reforms will have the effect of removing the prospect of release of certain offenders and diminishing their possibility of rehabilitation. While the Victorian statute book already provides for the possibility of life in prison with no prospect of parole, I accept that introducing restrictive constraints on the granting of parole to certain prisoners may induce a sense of hopelessness in an offender so as to limit the rights in ss 10(b) and 22(1) of the Charter. I note that the plurality of the High Court in *Minogue v Victoria* observed that there was 'clear support in European and international law for the principle that all prisoners, including those serving life

sentences, be offered the possibility of rehabilitation and the prospect of release if that rehabilitation is possible’.

Sections 10(b) and 22(1) rights have been interpreted as being collectively limited in circumstances where an offender serving a life sentence is given no real prospect of release, which may be contrary to human dignity and amount to inhuman and degrading treatment. Constraining parole for offenders not serving a life sentence, while not resulting in an ‘irreducible’ life sentence, may similarly be considered ‘inhuman’ through the hopelessness that serving a full sentence may engender for that offender.

In light of the High Court decision in *Minogue v Victoria*, I consider that clauses 4 and 5 of the Bill limit the rights in ss 10(b) and 22(1) of the Charter.

Limitation to section 10(b) and 22(1) by clauses 4 and 5

The objectives for the amendments to the Act in clauses 4 and 5 of the Bill remain the same as they were in the JLA Bill. Both the general provision in substituted s 74AAA and the specific provision in s 74AB are intended to strengthen parole laws in relation to a particular class of offending, in order to further enhance community safety and protection.

Despite the finding by the High Court in *Minogue v Victoria*, this Government remains determined to avoid the risk posed to society by the release from prison of Craig Minogue and other prisoners convicted of the murder of police officers. The murder of a police officer, someone who serves and protects the community and risks their life to do so, is the most serious example of the most serious crime. These amendments reflect the seriousness of such a crime and serve the important purpose protecting society. There is no less restrictive means of achieving this objective.

As I noted in the previous statement of compatibility, the extent of the limitation on the relevant Charter rights is confined, as the reform will only currently affect the parole applications of three prisoners currently serving life sentences with non-parole periods for the murders of police officers. The reform will also apply to deter any future relevant offending, as prospective offenders will be fully aware of the consequences that flow from such actions.

As I stated in the previous statement of compatibility, I accept that the nature of the limitation is severe for the prisoners affected, because in certain cases (where the individual is serving a life sentence) it will prevent that offender from being released on parole except in very limited circumstances, and those circumstances are not conducive to leading any useful life post-release. I also accept that the limitation is aggravated by the retrospective effect of the provisions, because offenders, including Craig Minogue, would have had an expectation, up until the time the JLA Bill was announced, that they may have had some possibility for release in the future and the capacity to live a useful life post-release.

For these reasons, I conclude that the limitation to the rights ss 10(b) and 22(1) of the Charter are unable to be justified in accordance with section 7(2) of the Charter. Accordingly, I conclude that clauses 4 and 5 are incompatible with human rights.

For this reason, new ss 74AAA and 74AB contain the override declarations I have referred to above expressly providing that the Charter does not apply to each provision. Each provision also contains a sub-section providing that the

override provisions do not need to be re-enacted every five years. In this exceptional case, the Charter is being overridden and its application excluded to ensure that the sentences imposed by the Supreme Court for the exceptional and egregious crimes they apply to are fully (or almost fully) served, and to protect the community from the ongoing risk of serious harm presented by Craig Minogue. Consequently, the Charter will have no application to both of these sections in perpetuity. I also propose to make a statement explaining the exceptional circumstances of the sort of offending to which the provisions apply, and which justifies the inclusion of those override declarations.

Finally, and for completeness, I note that the effect of the Bill will be to deprive Craig Minogue of the benefit of the judgement he received in the High Court. However, I do not consider that this alters the analysis of any of the rights in question discussed above. While this might be seen as a particular case of quashing a prisoner’s expectation that he may have some possibility of release, the High Court’s judgement did not affect the legislature’s power to alter the circumstances in which parole may be granted, including in the case of Craig Minogue.

The Hon. Lisa Neville, MP
Minister for Police

Second reading

Ms NEVILLE (Minister for Police) (12:55) — I move:

That this bill be now read a second time.

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

The main purpose of the Bill is to enhance community safety by clarifying the application of the strict parole laws for prisoners convicted of murdering a police officer, including the prisoner Dr Craig Minogue. This is to reaffirm the Government’s commitment to ensure that police murderers serve their full sentence in prison, and to provide closure to victims’ families. The murder of a police officer, someone who serves and protects our community and risks their life to do so, is the most serious example of the most serious crime. Our laws need to reflect those values.

The Bill will substitute section 74AAA of the *Corrections Act 1986*, which was introduced by this government in 2016 under the *Justice Legislation Amendment (Parole Reform and Other Matters) Act 2016*. It further strengthens Victoria’s parole system, which is the toughest in Australia. Section 74AAA currently provides that a prisoner convicted and sentenced to imprisonment with a non-parole period for murdering a police officer cannot be paroled, unless the prisoner is close to death and no longer has the physical capacity to do any harm to any person. The Board must also be satisfied that the prisoner has demonstrated that he or she does not pose a risk to the community, and, because of those circumstances, the making of a parole order is justified.

The section was intended to apply to Dr Minogue, as well as any other future or current prisoners who have committed this shocking crime. However, a recent High Court challenge brought by Dr Minogue found that section 74AAA does not apply to Dr Minogue, because he was not sentenced on the

basis that he knew that, or was reckless as to whether, the deceased victim was a police officer at the time of murder. The High Court found that only the sentencing remarks made by the sentencing judge can be relied on to make this assessment. This restriction is a technicality that does not reflect the intent of section 74AAA.

The government will ensure that Dr Minogue and other prisoners who murder police officers are not released on parole. The Bill will make a number of important clarifications to section 74AAA. I turn now to the specific elements of these provisions.

The Bill clarifies the Board's decision-making role in determining a prisoner's state of mind at the time of the murder. The Board will decide whether the prisoner knew, or was reckless as to whether, the deceased victim was a police officer.

To avoid any future uncertainty, the Bill also clarifies what 'reckless' means. Under the Bill, when assessing if the prisoner was reckless as to whether the victim was a police officer, the Board needs to be satisfied that the prisoner knew that it was probable that a police officer would be killed or really seriously injured as a result of his or her conduct. This is a standard of recklessness that is commonly applied to the offence of murder.

The Bill enables the Board to consider a broader range of materials when determining the prisoner's state of mind. The Bill requires the Board to consider various court records when determining the state of mind of the prisoner. This includes evidence led in the trial, the judgment of the court, sentencing remarks, any reasons in connection with the court fixing a non-parole period and any judgment on appeal.

The materials that can be considered for this purpose are restricted to the record of the court as an important safeguard. For example, information included in a prisoner's treatment report, conversations between prison staff and the prisoner, or other information received outside of the criminal process cannot be considered. This is because information received outside of the criminal process may be less reliable as it is not tested in the same rigorous manner that a court tests evidence.

To provide complete certainty and ensure that Dr Minogue is denied parole, the Bill expressly sets out the conditions for granting parole to Dr Minogue in a new section 74AB. This confirms that Dr Minogue must be at death's door before parole will be granted. This aspect of the Bill is modelled on section 74AA of the Corrections Act, which specifies the prisoner Julian Knight as a named individual by reference to his offences and sentencing. As section 74AA was upheld by the High Court, it provides legal certainty to the provision.

Other aspects of the current strict parole laws are not changed by the Bill. The laws will still apply to the murder of a police officer regardless of whether the police officer is on duty at the time, or whether the murder is connected to the police officer's status or role as such. In addition, the Board's absolute priority remains the safety and protection of the community in these, as in all other, parole decisions.

In the Bill, new sections 74AAA and 74AB also include subsections which provide that the *Charter of Human Rights and Responsibilities Act 2006* does not apply to either provision, and that those override declarations do not need to be re-enacted every five years (as is ordinarily required under

section 31(7) of the Charter). The Government accepts that these provisions are incompatible with the Charter. Therefore, in this exceptional case, the Charter is being overridden and its application is entirely excluded from the operation of these new provisions to ensure that the sentences imposed on persons who murder police officers, and Dr Minogue specifically, are fully served. To provide legal certainty and to avoid a court giving the Bill an interpretation based on Charter rights which do not achieve the Government's intention, new sections 74AAA and 74AB provide that the Charter does not apply to each new section respectively. These provisions are intended to serve as the override declaration envisaged by s 31(1) of the Charter, but go further to make clear that the Charter does not apply to these new sections at all and that the override and non-application of the Charter do not expire after five years under section 31(7) of the Charter.

With this Bill Victorians can be reassured and have complete certainty that Dr Minogue, and any other person who committed the same abhorrent crime, is locked behind bars and fully serve their prison sentence.

I commend the Bill to the house.

Override statement

Ms NEVILLE (Minister for Police) (12:56) — I wish to make a section 31 override statement. In the bill new sections 74AAA and 74AB also include subsections which provide that the Charter of Human Rights and Responsibilities Act 2006 does not apply to either provision and that those override declarations do not need to be re-enacted every five years, as is ordinarily required under section 31(7) of the charter. The government accepts that these provisions are incompatible with the charter. Therefore, in this exceptional case, the charter is being overridden and its application is entirely excluded from the operation of these new provisions to ensure that the sentences imposed on persons who murder police officers, and Dr Minogue specifically, are fully served. To provide legal certainty and to avoid a court giving the bill an interpretation based on charter rights which do not achieve the government's intention, new sections 74AAA and 74AB provide that the charter does not apply to each new section respectively. These provisions are intended to serve as the override declaration envisaged by section 31(1) of the charter, but go further to make clear that the charter does not apply to these new sections at all and that the override and non-application of the charter do not expire after five years under section 31(7) of the charter.

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

Debate adjourned until next day.

VICTIMS AND OTHER LEGISLATION AMENDMENT BILL 2018

Introduction and first reading

Mr PAKULA (Attorney-General) (12:57) — I move:

That I have leave to bring in a bill for an act to amend the Victims' Charter Act 2006, the Victims of Crime Commissioner Act 2015 and the Sentencing Act 1991 to further provide for the rights of victims and the obligations of investigatory agencies, prosecuting agencies and victims' services agencies in proceedings for criminal offences, and to amend the Jury Directions Act 2015 in relation to directions on the language and cognitive skills of child witnesses, and to amend the Children, Youth and Families Act 2005 in relation to historical care and protection orders, and for other purposes.

Mr CLARK (Box Hill) (12:58) — I ask the minister to provide a brief explanation further to the long title.

Mr PAKULA (Attorney-General) (12:58) — I can advise the manager of opposition business that the Victims and Other Legislation Amendment Bill 2018 will promote the rights of victims of crime as participants in the criminal justice system. It will address common misconceptions about the evidence of child witnesses, and it will confirm and deal with the fact that historical care and protection orders made on the application of the state are not to be treated as a conviction or a finding of guilt for any purpose.

Motion agreed to.

Read first time.

JUSTICE LEGISLATION AMENDMENT (UNLAWFUL ASSOCIATION AND CRIMINAL APPEALS) BILL 2018

Introduction and first reading

Mr PAKULA (Attorney-General) (12:59) — I move:

That I have leave to bring in a bill for an act to amend the Criminal Organisations Control Act 2012 to make further provision in relation to the prohibition of individuals associating with individuals convicted of serious criminal offences for the purpose of preventing the commission of offences and to provide for IBAC oversight in relation to the issue of unlawful association notices by police officers and to amend the Children, Youth and Families Act 2005 and the Criminal Procedure Act 2009 in relation to criminal appeals and for other purposes.

Motion agreed to.

Read first time.

DISABILITY SERVICE SAFEGUARDS BILL 2018

Introduction and first reading

Mr FOLEY (Minister for Housing, Disability and Ageing) (13:00) — I move:

That I have leave to bring in a bill for an act to provide a regulatory scheme for disability workers and disability students, to amend the Residential Tenancies Act 1997 to provide for the rights and duties of SDA residents and SDA providers consistent with the national disability insurance scheme, to make consequential amendments to the Disability Act 2006, the Health Complaints Act 2016, the Land Tax Act 2005, the Ombudsman Act 1973, the Public Administration Act 2004, the Supported Residential Services (Private Proprietors) Act 2010 and the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes.

Mr CLARK (Box Hill) (13:01) — I ask the minister to provide a brief explanation further to the long title.

Mr FOLEY (Minister for Housing, Disability and Ageing) (13:01) — This bill will seek to implement two specific reforms. The first is the establishment of an independent registrations accreditation scheme for Victoria's disability workforce. The second is to protect the rights of residents in specialist disability accommodation to enable them to exercise choice and control in where they live in their homes, and this bill is part of the government's commitment to ongoing commitments to the national disability insurance scheme.

Motion agreed to.

Read first time.

OWNER DRIVERS AND FORESTRY CONTRACTORS AMENDMENT BILL 2018

Introduction and first reading

Ms HUTCHINS (Minister for Industrial Relations) (13:02) — I move:

That I have leave to bring in a bill for an act to amend the Owner Drivers and Forestry Contractors Act 2005 and for other purposes.

Mr CLARK (Box Hill) (13:02) — I ask the minister to provide a brief explanation of the bill.

Ms HUTCHINS (Minister for Industrial Relations) (13:02) — The bill will improve the protections available to small business owners and drivers in the transport industry and harvesting and haulage contractors in the forestry industry. The bill introduces a compliance and enforcement mechanism and penalties. It provides for the payment of invoices within 30 days and allows

the Victorian small business commissioner to arrange arbitration where the parties agree to it.

Motion agreed to.

Read first time.

ALCOA (PORTLAND ALUMINIUM SMELTER) (FREEDOM OF INFORMATION) AMENDMENT BILL 2018

Introduction

Ms SANDELL (Melbourne) (13:03) — I move:

That I have leave to bring in a bill for an act to amend the Alcoa (Portland Aluminium Smelter) (Amendment) Act 1984 in relation to freedom of information in respect of the smelter and the smelter site at Point Henry, and for other purposes.

House divided on motion:

Ayes, 3

Sandell, Ms
Sheed, Ms

Thorpe, Ms

Noes, 78

Allan, Ms
Andrews, Mr
Angus, Mr
Battin, Mr
Blackwood, Mr
Britnell, Ms
Bull, Mr J.
Bull, Mr T.
Burgess, Mr
Carbines, Mr
Carroll, Mr
Clark, Mr
Couzens, Ms
Crisp, Mr
D'Ambrosio, Ms
Dimopoulos, Mr
Dixon, Mr
Donnellan, Mr
Edbrooke, Mr
Edwards, Ms
Eren, Mr
Foley, Mr
Fyffe, Mrs
Garrett, Ms
Gidley, Mr
Graley, Ms
Green, Ms
Guy, Mr
Halfpenny, Ms
Hennessy, Ms
Hodgett, Mr
Howard, Mr
Hutchins, Ms
Kairouz, Ms
Katos, Mr
Kealy, Ms
Kilkenny, Ms

Lim, Mr
McCurdy, Mr
McGuire, Mr
McLeish, Ms
Merlino, Mr
Morris, Mr
Nardella, Mr
Neville, Ms
Noonan, Mr
O'Brien, Mr D.
O'Brien, Mr M.
Pakula, Mr
Pallas, Mr
Pearson, Mr
Perera, Mr
Pesutto, Mr
Richardson, Mr
Riordan, Mr
Ryall, Ms
Ryan, Ms
Smith, Mr R.
Smith, Mr T.
Southwick, Mr
Spence, Ms
Staikos, Mr
Staley, Ms
Suleyman, Ms
Thomas, Ms
Thompson, Mr
Thomson, Ms
Tilley, Mr
Victoria, Ms
Wakeling, Mr
Walsh, Mr
Ward, Ms
Watt, Mr
Wells, Mr

Knight, Ms
Languiller, Mr

Williams, Ms
Wynne, Mr

Motion defeated.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Regulations and legislative instruments review

Mr J. BULL (Sunbury), by leave, presented 2017 annual review, together with appendices.

Tabled.

Ordered to be published.

PENALTY RATES AND FAIR PAY SELECT COMMITTEE

Penalty rates and fair pay

Ms WILLIAMS (Dandenong) presented report, together with appendices, extract of proceedings, minority reports and transcripts of evidence.

Tabled.

Ordered that report, appendices, extract of proceedings and minority reports be published.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 10

Mr J. BULL (Sunbury) presented *Alert Digest No. 10 of 2018 on:*

Environment Protection Amendment Bill 2018

Firearms Amendment (Silencers) Bill 2018

Justice Legislation Miscellaneous Amendment Bill 2018

Justice Legislation (Police and Other Matters) Bill 2018

Prevention of Family Violence Bill 2018

Racing Amendment (Integrity and Disciplinary Structures) Bill 2018

State Taxation Acts Amendment Bill 2018

Toll Fine Enforcement Bill 2018

Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018

together with appendices.

Tabled.

Wyndham — GC90

Ordered to be published.

Rail Safety National Law Application Act 2013 — Rail Safety National Law National Regulations (Fees) Variation Regulations 2018 under s 12

DOCUMENTS

Statutory Rules under the following Acts:

Tabled by Acting Clerk:

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 60 (*Gazette G25, 21 June 2018*)

Ombudsman:

Investigation into child sex offender Robert Whitehead's involvement with Puffing Billy and other railway bodies — Ordered to be published

Ombudsman's recommendations — second report — Ordered to be published

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

Boroondara — C263 Part 1, C268 Part 3, C299

Cardinia — C236

Casey — C237, C239

Darebin — GC86

Frankston — GC90

Greater Geelong — C373, C381

Greater Shepparton — C196, C209

Hobsons Bay — C109

Hume — C222, C223

Knox — C163

Maribymong — GC82

Melbourne — C190 Part 2, C317, C325, C332, GC82

Melton — C197

Mitchell — C132, GC101

Moonee Valley — C187

Mornington Peninsula — C221

Mount Alexander — GC90

Port Phillip — GC82

Queenscliffe — C29

Stonnington — C279, GC82

Victoria Planning Provisions — VC150

Whittlesea — C192, GC86, GC101

Wodonga — C125, C127

Associations Incorporation Reform Act 2012 — SR 81*Australian Consumer Law and Fair Trading Act 2012* — SR 98*Building Act 1993* — SR 100*Commercial Passenger Vehicle Industry Act 2017* — SRs 84, 85*Estate Agents Act 1980* — SRs 82, 97*Health Services Act 1988* — SR 83*Marine Safety Act 2010* — SR 101*Mineral Resources (Sustainable Development) Act 1990* — SR 78*Motor Car Traders Act 1986* — SRs 94, 95*Planning and Environment Act 1987* — SRs 92, 93*Professional Boxing and Combat Sports Act 1985* — SR 79*Public Health and Wellbeing Act 2008* — SR 99*Road Safety Act 1986* — SRs 87, 88, 89*Service Victoria Act 2018* — SR 90*State Superannuation Act 1988* — SR 80*Subordinate Legislation Act 1994* — SR 91*Surveillance Devices Act 1999* — SR 96*Transport (Compliance and Miscellaneous) Act 1983* — SR 86*Victorian Civil and Administrative Tribunal Act 1998* — SR 77*Subordinate Legislation Act 1994:*

Documents under s 15 in relation to — *Occupational Health and Safety Act 2004* — Minister's order approving Compliance code: Hazardous substances

Documents under s 15 in relation to — Statutory Rules 74, 75, 77, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101

Documents under s 16B in relation to:

Commercial Passenger Vehicle Industry Amendment (Further Reforms) Act 2017:

Determination of Fees

Determination of Specifications

Criminal Procedure Act 2009 — Notice of declared venue under s 389G

Domestic Animals Act 1994 — Amendment of code of practice for the operation of breeding and rearing businesses 2014

Gambling Regulation Act 2003 — Victorian Lottery System Requirements Version 2.0

Wrongs Act 1958 — Notice under s 28LXA (*Gazette S321, 2 July 2018*).

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

Justice Legislation Amendment (Access to Justice) Act 2018 — Parts 4, 7 and 9 — 1 July 2018 (*Gazette S284, 19 June 2018*)

Labour Hire Licensing Act 2018 — Part 1, Part 4, Divisions 2, 4, 5 and 7 of Part 7 and Part 9 — 27 June 2018 (*Gazette S305, 26 June 2018*)

Legal Identity of Defendants (Organisational Child Abuse) Act 2018 — Whole Act — 1 July 2018 (*Gazette S305, 26 June 2018*)

Planning and Environment Amendment (Public Land Contributions) Act 2018 — Whole Act — 2 July 2018 (*Gazette S305, 26 June 2018*)

Service Victoria Act 2018 — Whole Act — 1 July 2018 (*Gazette S284, 19 June 2018*).

ROYAL ASSENT

Messages read advising royal assent to:

26 June

Appropriation (2018–2019) Bill 2018 (*Presented to the Governor by the Speaker*)

Labour Hire Licensing Bill 2017

Marine and Coastal Bill 2017

Serious Offenders Bill 2018

3 July

Advancing the Treaty Process with Aboriginal Victorians Bill 2018.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Environment Protection Amendment Bill 2018

Justice Legislation (Police and Other Matters) Bill 2018

Prevention of Family Violence Bill 2018

Racing Amendment (Integrity and Disciplinary Structures) Bill 2018

Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018.

LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE

Membership

The SPEAKER (13:15) — I wish to advise the house that I have received the resignation of Ms Patten, MLC, from the Law Reform, Road and Community Safety Committee effective from 21 June 2018.

BUSINESS OF THE HOUSE

Program

Ms ALLAN (Minister for Public Transport) (13:15) — I move:

That under standing order 94(2):

- (1) the order of the day, government business, relating to the Corrections Amendment (Parole) Bill 2018 be considered and completed by 4.30 p.m. on Wednesday, 25 July 2018; and
- (2) the orders of the day, government business, relating to the following bills be considered and completed by 5.00 p.m. on Thursday, 26 July 2018:

Environment Protection Amendment Bill 2018

Justice Legislation (Police and Other Matters) Bill 2018

Justice Legislation Miscellaneous Amendment Bill 2018

Racing Amendment (Integrity and Disciplinary Structures) Bill 2018

Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018.

In making a few short comments on the government business program motion I will keep it brief because there is a big program ahead of us in the Assembly over the course of this week. With my usual optimistic outlook, which has not been diminished over our brief winter break, I hope that this program will receive the support of all members in the chamber because it does contain a number of really important elements that are worthy of support.

I will start by referring to the Corrections Amendment (Parole) Bill 2018. The structure of the government

business program motion moved today is a little unusual. That is to accommodate the swift passage through this place, and I would optimistically say through the Legislative Council, of the Corrections Amendment (Parole) Bill.

Can I acknowledge the cooperation that has been thus far displayed, particularly from the Liberal-National coalition opposition through the manager of opposition business, to have this bill first and second read today. We have reached agreement that it will be debated tomorrow in the Assembly and then head off to the Council, where I hope the spirit of cooperation will see the bill pass expeditiously through the Legislative Council as well. I acknowledge the crossbench members of the chamber who have also assisted through making themselves available for briefings on this bill to enable this 'by agreement' process to happen through the chamber. As I said, I do appreciate the cooperation of members to assist this happening.

In addition to the parole bill there are another five pieces of legislation on the government business program for debate and passage by 5.00 p.m. on Thursday. There are some great bills in there, Speaker. I know you will be excited to hear the contributions from members on issues like the Local Jobs First bill, which I think is a terrific bill; the Minister for Industry and Employment has done a great job bringing this to the chamber. We are also working to support more Victorian jobs through having interventionist, targeted, dedicated procurement policies that are unashamedly about maximising Victorian jobs. Where we have a taxpayer dollar to spend we want to make sure that that is maximised in terms of generating Victorian jobs.

Other important bills are on the program, like the Environment Protection Amendment Bill 2018 which will strengthen the Environment Protection Authority Victoria. A power of work has been done by a couple of our great ministers, starting with Minister Neville and then going on to Minister D' Ambrosio. They have worked really hard to bring about these reforms and powers to strengthen the agency. There are other bills, and I will continue. There is the Racing Amendment (Integrity and Disciplinary Structures) Bill 2018, which is a big piece of reform legislation that has been brought to the chamber by the Minister for Racing, who has also introduced in his capacity as Attorney-General two big justice bills that are about strengthening supports, particularly the Justice Legislation Miscellaneous Amendment Bill 2018, which is about strengthening our emergency services workforce because they go out there and protect us every single day, and they deserve protection in return.

That is a big program, as I said. There are going to be a lot of contributions. We will need some cooperation over the course of the week to be able to move through those bills in a timely way to enable members to make their contributions in the chamber and to work through the program before 5 o'clock on Thursday. With those comments and observations, I commend the program to the house.

Mr CLARK (Box Hill) (13:20) — As the Leader of the House has said, this program motion is somewhat unusual in that it proposes that the Corrections Amendment (Parole) Bill 2018 be completed by 4.30 p.m. tomorrow. This does reflect the understanding reached between the Leader of the House and me in ensuring that this bill can be debated and, if the house sees fit, passed in a timely manner so that it can be considered by the other place this week. I do trust that sufficient time will be allowed by the government tomorrow for all members who want to make a contribution on this significant bill to be able to do so within the parameters of the time lines that we have agreed to and which are necessary to allow the bill to be received by the other place tomorrow and therefore debated by it on Thursday.

In relation to the other bills on the business program, a number of them are quite complex and detailed and deserve careful and extensive scrutiny by this house. Amongst them it seems to the opposition that consideration in detail of the Justice Legislation Miscellaneous Amendment Bill 2018 would be the most advantageous, but just about every bill on the program would benefit if the government had stuck to its election promise that consideration in detail would become standard for all bills.

The opposition does, however, oppose the government business program. This will come as no surprise to the house because yet again the business program fails to deal with the pressing issue of the rorts and abuse of office allegations that are attached to so many Labor members of this house, including the former Speaker and former Deputy Speaker, as well as all those members who have been implicated in the red shirts rorts affair. Recent days have just added to the pressing need for this house to take responsibility for the conduct of its members and have this matter considered by either the Privileges Committee or a special select committee. We have had a former minister, Adem Somyurek in the Council, at odds with the Premier in terms of whether or not concerns about the red shirts arrangements were raised with him. We have a question as to whether or not the Premier of this state has misled this house as well as whether or not he was personally complicit in —

Ms Allan — On a point of order, Speaker, I appreciate that in some instances the debate on the government business program allows members to lean into other things they would like to see on the program. However, using the government business program to make claims about the Premier misleading the house is not an appropriate use of the forum that the government business program debate provides. I would ask that you bring the manager of opposition business back to the substance at hand.

The SPEAKER — I do ask the member for Box Hill to come back to the government business program debate.

Mr CLARK — Thank you, Speaker. That issue needs to be addressed. The issue of the conduct of members in relation to filling out blank time sheets needs to be addressed, as do issues about the falsification of documents and whether offences under the Crimes Act have been committed, which would have flow-on implications regarding bringing this house into disrepute. There are parallels between the conduct of the former member for Frankston in claiming that he delegated responsibility for matters in relation to his vehicle to his staff and the claims by members of the current Parliament that they handed over blank time sheets to Labor Party operatives.

All of these matters should be referred to the Privileges Committee or a select committee, and the government is derelict in not allowing this to occur. It is particularly so where it is now becoming clear that the current government is prepared to do anything, breach any convention, breach just about any law that will secure its re-election including, as we saw in question time today, its continued intention to tear up conventions of cabinet-in-confidence documents.

We have seen outrageous breaches of section 33 of the Freedom of Information Act 1982 and the disclosure of staff information. All of this makes it particularly important that these matters should be dealt with by this house in terms of upholding the standards and integrity of this house and holding those Labor members of Parliament to account for what they have done, in the way that Labor members expected of others in the previous Parliament. It was done in the previous Parliament, and it should be done in this Parliament.

Mr PEARSON (Essendon) (13:25) — I am delighted to make a brief contribution on the government business program, and I rise supporting the Leader of the House. While it is tempting to take up the challenge offered by the manager of opposition business when he talks about parliamentary standards

and parliamentary conventions, particularly in light of the wanton abuses of those by members in the other place, I will resist that temptation.

As Carl von Clausewitz said, ‘If the leader is filled with high ambition and if he pursues his aims with audacity and strength of will, he will reach them in spite of all obstacles’. When you look at that quote in the context of the government business program before us today, it is a full, robust business program. It is getting on with the job of doing the things we said we would do in terms of the 2014 election. It is also responding to some of the more recent challenges that any government confronts or faces. It is an outstanding government business program, and I commend it to the house.

Mr PESUTTO (Hawthorn) (13:26) — For months we have been opposing the government’s business program precisely because we have matters of great urgency that bear on the standing, the integrity and the reputation of this institution. As strong as our grounds for opposing the government’s business program have been over many months, they are even stronger today than they were the last time we met as an Assembly. They are stronger because in the time that has elapsed since we were last here we have had a Privileges Committee hearing in the other place which has raised many more questions than it has answered.

We know from the evidence given under oath by Mr John Lenders, a former member of the other place, that some very serious questions have been raised. Inconsistencies that come out of his evidence only reinforce our call for the government to support our preference that matters of privilege be dealt with by this house as a result of the red shirts rort — one of the most significant rorts in the history of our state.

For example, Mr Lenders mentioned in his evidence that he emphasised to all participants — conspirators in this scheme — the 60-40 split and that you do not charge that component for campaigning to Parliament, and then he said —

Ms Allan — On a point of order, Speaker, again as I indicated to you earlier, there is the opportunity to lean into other matters that members may like to see discussed on the government business program. However, I do not believe that quoting, verbatim, evidence that was given to an upper house parliamentary committee which is already on the public record and that was made very public last week is within the spirit of the government business program. I ask that you bring the member back to debating the motion before the house, which is about a significant program for this week that contains a number of

important bills that are worthy, I would have thought, of some reference by the member for Hawthorn rather than him showing contempt for the legislation that is sitting there and for the Parliament as a whole. I think the member for Hawthorn knows that pretty well, but I have just taken this opportunity to remind him of that.

The SPEAKER — Order! I do ask the member for Hawthorn to come back to debating the government business program. He is entitled to raise issues that he would like to see on the business program.

Mr PESUTTO — Mr Somyurek in the Council has given evidence that places him directly at odds with the Premier's evidence, and that is why this house needs to deal with the question. His evidence directly impeaches the credibility of the Premier, because he said he raised this matter of the red shirts with the Premier. The Premier told this house, while you were in that chair, Speaker, that nobody had ever raised the matter with him. Mr Somyurek has now impugned directly his credibility. The Premier's answer to these questions only reinforces —

Mr Pearson — On a point of order, Speaker, the member for Hawthorn is disobeying your ruling. I would ask that he be brought back to the government business program.

Honourable members interjecting.

The SPEAKER — Order! I ask members to cease shouting across the chamber. I have asked the member for Hawthorn to come back to debating the motion before the house.

Mr PESUTTO — It is why we need, as a house, to deal with this matter. There are such grave matters now hanging over this house that unless and until we deal with them public confidence in this institution will be diminished and further eroded. You have the Premier's own credibility and standing being questioned by a member of the other place directly, not indirectly. There is no way, despite what the Premier has said, that the two versions are consistent. They are totally inconsistent, and it is why this house needs to deal with it. Hiding behind the technicality of exclusive cognisance only further diminishes the standing of the Premier, so it is critical that this house deals with this matter urgently.

As important, I would concede, as some of the bills before this house are, I should say that the bills I will be dealing with in this place do not go nearly far enough to address public concern about safety, but that is a different matter. This is about the long-term standing and credibility of this institution — its stature — which

is being grievously eroded by this farce of a government standing in the way of the truth and of an independent investigation into the sordid things that went on.

Mr CARBINES (Ivanhoe) (13:31) — I am pleased to bring a sunny disposition from the climes of Darwin back to the Spring Street Parliament. Those opposite have spent a lot of time talking, as they did in government last time, but we got on with doing these past four years. That is why I will keep my contribution brief, as we have got some further legislation. I do acknowledge the cooperation of those opposite in relation to the Corrections Amendment (Parole) Bill 2018 in assisting us to deal with the first and second readings of that bill today to be able to debate it in the Assembly tomorrow and to get it up to the Legislative Council for review and further debate later this week.

Of the other five bills, I did want to just touch particularly on the Environment Protection Amendment Bill 2018. We had an election commitment to review the Environment Protection Authority Victoria (EPA) act, and we set that commitment in train under the member for Bellarine, now the Minister for Water. We have seen that process through under the work of the Minister for Energy, Environment and Climate Change and member for Mill Park.

It is very much about making sure that the EPA meets the expectations of the community as the environmental cop on the beat and that it can deal with rogue operators and also support industry and community expectations to protect and advance the interests of the environment right across Victoria. I commend in particular that bill to the house and the upcoming debate on that. I also commend the other bills, including the Corrections Amendment (Parole) Bill 2018, which we will be dealing with in the Parliament this week, and look forward to getting down to business.

Mr CRISP (Mildura) (13:32) — I rise to oppose the government business program on behalf of The Nationals. Let us first look at the Corrections Amendment (Parole) Bill 2018. That is required to be passed by 4.30 tomorrow afternoon. When you look at the time that is available to do that, we generally get around about an hour for debate between the end of question time and lunch. Then we have the matter for public importance debate tomorrow afternoon. That leaves 30 minutes. By my calculation a bill of this significance will probably get about an hour and a half of debate in this house. Whether that is adequate or not I do not know, but I think the provision of sufficient time for this bill has to be doubted. This is important. We have agreed to the introduction of this bill, but it

does have significance for Victorians and it does need perhaps more than 90 minutes of debate.

There are other bills this week, and I understand the need to keep the debate on the corrections amendment bill quite short. We have the Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018 and the Environment Protection Amendment Bill 2018, with which we have some concerns, and I will certainly be raising those in debate. The Justice Legislation Miscellaneous Amendment Bill 2018 is very much an omnibus bill that covers 15 or 16 different areas. I am sure there is quite a lot of room for debate there. The Racing Amendment (Integrity and Disciplinary Structures) Bill 2018 overhauls the racing industry, and I think a look at that industry is certainly due. There have been integrity issues surrounding racing since it began, and it is certainly incumbent on the government of the day to ensure that the integrity of this sport is maintained. The Justice Legislation (Police and Other Matters) Bill 2018 is again a very long omnibus bill for us to debate.

But we are opposing this program, as we always have, because the house has not dealt with what the house should have dealt with, and that is the rorts affair. It has failed to deal with the red shirt issues and some of the other issues that have been well documented in this debate over the last year or so in this house. The house does need to deal with this because we are the last bastion of our own integrity here. We must ensure that the integrity of the Parliament, particularly how the community views our integrity by the way we work with our conventions and standards, is upheld. We have got a great deal of work to do in that area, particularly as detailed by the manager of opposition business.

This mess has to be sorted out in a manner that ordinary people understand. They are looking at us out there and shaking their heads. This is not good for the reputation of Parliament in this state. Something does need to be done, and what should be done has been laid out. We have heard from the member for Hawthorn who talked about some of the evidence that has arisen at an inquiry elsewhere at which, because of the convention that was applied to this house, the Premier and others will not be able to give their explanations in the way that is required. This matter should be referred to the Privileges Committee so that we can deal with it in the way that the community expects. With those words, The Nationals will be opposing the government business program.

House divided on motion:

Ayes, 43

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

Noes, 38

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

Motion agreed to.

MEMBERS STATEMENTS

Gembrook Primary School

Mr BATTIN (Gembrook) (13:42) — I rise today to speak on behalf of Gembrook Primary School, which I visited in the last few weeks. I spoke to the principal, Brendan Fitzpatrick, and also to Phil Russell, who is one of the local residents. Together they have worked with the local community to get a petition together in relation to the safety of students, particularly outside the school. Gembrook Primary School, as you would imagine, being up in the Dandenong Ranges, is in an area where fog comes in and sets, and it can be thick

and hard to see through. You only need to go down to the Gembrook football ground to see an example of how bad the fog can be. If you are standing at the canteen or the bar-side of the ground during a game, you can have trouble seeing the football when it is on the other side of the ground.

On school days, particularly on mornings when that fog sets in, the students have to cross a road with 40-kilometre-an-hour signs that are in the wrong location and that currently have mould and dirt on them, which makes them very, very difficult to read. Even the reflective material on them has faded over time. The school has been asking for flashing 40-kilometre-an-hour signs for a long period of time. They have a petition bearing 802 signatures that I know they have passed on to VicRoads, and they continue to get knocked back. I am calling on the government to get on with the job they need to do and put up lit signs to protect the students of Gembrook Primary School. This matter is urgent and essential.

African-Australian communities

Mr PEARSON (Essendon) (13:43) — I rise today to condemn the targeting and vilification of African-Australian communities. I know my electorate and the communities that choose to live in it. What I have seen are parents who hope that their children live in decent, clean, safe and affordable housing. What I have seen are young children wanting a decent education. What I have seen are young people hoping to get a trade or a qualification so that they can get a job. What I have seen are tertiary students who miss out on internships or work experience because of the colour of their skin, their name or the housing they live in. What I have seen are students who keep studying beyond a bachelor degree, hoping to get a job even though their student loans increase every year. This is what I have seen and this is the reality for many African-Australians. It is so easy to target a segment of our community for the way they look, the God they worship, the way they speak English or where they live. It is so easy to whip up hysteria with photoshopped images and lazy slogans.

In spite of these challenges the vast majority of African-Australians are striving to empower and support their local communities. Through homework clubs, soccer tournaments and peer support networks African-Australians are not seeking pity, which itself can lead to the racism of low expectations. What they want are elected leaders who support their desire for their community to reach its full potential. They want elected leaders who believe in their sons and their daughters and who will work for them.

African-Australians in my community want for their children what I want for mine, and it is very simple: the opportunity to have a meaningful life and to live a life filled with happiness.

Greens pest animal policy

Mr T. BULL (Gippsland East) (13:45) — I wish to make mention of some commentary made at the Victorian Farmers Federation conference by the Leader of the Greens. When asked if the Greens support efforts to eradicate pests such as rabbits, foxes, wild pigs and wild dogs the response was that such efforts were not supported and a balance needed to be found. This of course brought a few jeers from the audience. We are talking about feral animals here and their impact on our farming communities and also on the environment. Perhaps the Greens leader could add some more commentary on what this balance actually means and come to the communities of Omeo, Dargo, Buchan, Bendoc and Swifts Creek and explain this to our farming communities.

Victorian Energy Compare

Mr T. BULL — The government's \$50 power saving bonus is being promoted to households that are able to access its Energy Compare website. This is the government's feeble response to its forced closure of Hazelwood that has left many Victorians with ballooning bills. However, this completely overlooks the many elderly and vulnerable folk who do not have access to a computer and who most need the relief. The government has been referring people to neighbourhood houses for assistance. However, the neighbourhood houses, which do a great job, I might add, have not received the courtesy of a notification from the Minister for Energy, Environment and Climate Change or any training to perform this role. It is a disorganised rabble.

Mallacoota Bunker Museum

Mr T. BULL — The Mallacoota Bunker Museum, operated by the Mallacoota and District Historical Society, provides a great display of the area's unique World War II history. It is located in a large underground concrete bunker, from where anti-submarine operations were conducted during World War II. It was also the headquarters of RAAF coastal intelligence activity in the region. On a visit there I was taken by the dedication of the volunteers and also the need to upgrade the facility.

Ezi Magbegor

Ms SPENCE (Yuroke) (13:46) — Today I am pleased to acknowledge three exceptional young people from my electorate of Yuroke. Eighteen-year-old Ezi Magbegor is a Craigieburn basketballer who has participated in fantastic work raising money for disadvantaged youth. As part of Whitelion's Bail Out event Ezi spent time locked behind bars at the Old Melbourne Gaol and was joined by two of her teammates, who were all stripped of their possessions. To be released inmates such as Ezi and her teammates had to raise at least \$1000 towards Whitelion, and amazingly Ezi raised more than \$2500 for this sensational cause. Well done, Ezi, on shining a light on disadvantaged youth.

Altaf Hussein

Ms SPENCE — I would also like to acknowledge Altaf Hussein from Craigieburn, who is a fantastic role model for the Yuroke community. Altaf was nominated for the Saward Dawson Community Service and Social Impact Award. Altaf is a former refugee who came to Australia in 2015 and volunteers at the Brotherhood of St Laurence, the Centre for Multicultural Youth and the Hume Afghan Association. Well done to Altaf on being such an inspirational young person.

Michael Boulis

Ms SPENCE — Lastly, I would also like to congratulate the inspiring Michael Boulis, who recently graduated from La Trobe University with a bachelor of law and bachelor of arts. As a former Iraqi refugee Michael has become the first person in his family to graduate from university. Michael is also a wonderful Victoria State Emergency Service volunteer. Well done, Michael, and all the best for the future.

Tallygaroopna Men's Shed

Ms SHEED (Shepparton) (13:48) — Visiting men's sheds in my electorate is always a great pleasure. Attending the opening of the Tallygaroopna Men's Shed last Thursday was a great opportunity to meet with local members and inspect the work that they undertake — from fire pits made of old gas bottles and garden beds made from truck tyre hubs to toys for the local kindergarten. For a long time we have understood that for many men the transition from employment to retirement can be dislocating and isolating, so to see the camaraderie and good humour and the hard work that is undertaken in these sheds is inspirational.

Shepparton migrant community

Ms SHEED — On a different note, I recently met with a group of mostly South Sudanese women in Shepparton, some of whom have been in Australia for several years. I was saddened to hear that some of them had undertaken childcare courses with registered training organisations that failed to live up to their requirements, so after spending money on the courses these women were left with no certificates to confirm their qualifications. It is extremely disappointing that there are organisations such as this which take advantage of our newly arrived migrants and refugees in this way when what they are wanting to do is seek secure employment and provide for their families.

However, the Shepparton district has always worked hard to be an inclusive and welcoming community for our new arrivals dating back to the Second World War, and it is encouraging to see these women finding support and guidance through our local St Paul's African House in Shepparton. Over the years waves of migrants have successfully found new homes, jobs and families in our community, and while we cannot pretend there have not been some challenges, I believe Shepparton can be a shining example for other communities.

Williamstown electorate kindergartens

Mr NOONAN (Williamstown) (13:49) — I recently had the opportunity to visit Emma McLean Kindergarten in Spotswood and announce an inclusive kindergarten facilities grant of \$10 000. Under this program 219 kindergartens across the state will receive grants for new equipment to increase accessibility within their centres, and I was glad to hear that two centres in the Williamstown electorate had been successful in receiving these grants. In the case of the Emma McLean kinder, Jess Johnston, the lead educator, advised me that the \$10 000 grant is the largest single grant the kinder has ever received and that it will be used to purchase specialised equipment and toys for students with additional needs and to tailor classes to individual students' requirements.

Home Road Kindergarten in Newport received a grant of \$2782 for the purchase of equipment to ensure that kids who require sensory assistance get the most out of their early years education. They also work hard to incorporate the natural environment into the kids' learning experience.

Back in May I had the opportunity to visit the Newport Gardens Early Learning Centre and was informed of their plans to construct an Indigenous art mural at the

centre, which will open in the coming weeks. Through its engaging and flexible learning methods Newport Gardens also does an excellent job of providing inclusive learning environments for local kids, and I am proud of the contribution the previous state Labor government made to establishing the centre.

Police numbers

Mr WELLS (Rowville) (13:51) — This members statement thanks the people of the Rowville electorate for their overwhelming response to my survey regarding police and community safety. The Liberal-Nationals policy to place police shopfronts at 12 major shopping centres, including Knox City, has been very well-received. The survey comments show huge frustration with Labor's apathy towards community safety. People are full of admiration and respect for the difficult work the police do, but they talk about never seeing police on patrol, of waiting hours for police to attend and when they report their homes being broken into going to the police station and finding it shut, or those cases being referred to another station because of workload issues, and also of struggling to have breaches of intervention orders looked at.

It does not have to be this way. The coalition government added an extra 30 full-time police positions in division 2, eastern region, which includes the Knox and Rowville police stations — a 7 per cent increase in police numbers from 2010 to 2014. Labor's only solution to crime in Knox is a bicycle patrol around Knox City Shopping Centre. No wonder people are frustrated and no wonder people feel dismissed.

The Premier and his weak Labor government have simply failed to deliver enough police, and under Labor's watch the worst violent crimes have increased the most. In the last three and a half years Victoria has received only half of the 1895 extra police and 968 extra protective services officers that the Liberal-National coalition delivered. Safety is not a priority for the Premier, and the Victorian community knows it.

A-League expansion

Ms WILLIAMS (Dandenong) (13:52) — I rise to share with the house some very exciting news, and that is that south-east Melbourne is one step closer to realising our dream of being home to an A-League team. As many of you may know, Football Federation Australia has announced that the A-League is expanding, and Melbourne's south-east is bidding for its own team. Over the winter break Team 11, as we are called at the moment, was short-listed to advance to the

final stage of this process. This is an exciting time for Dandenong and an exciting time for our broader south-east region.

The Dandenong region, which includes neighbouring electorates to mine, is the most multicultural region in Australia and home to some 158 different nationalities. But we speak one language, and that language is football. Participation in football in Greater Dandenong is almost four times higher than the Victorian average. We are home to over 100 grassroots clubs and have more than 17 000 registered local players. The south-east is a breeding ground for talented and successful players, laying claim to 15 Socceroos, over 25 international players and 50 A-League players. Despite this we do not have elite representation in any football code, and this needs to change.

Sport is a unifying experience — it brings people together. It would also offer unprecedented exposure for the south-east on a national stage and offer unprecedented economic opportunities for the region. It is an untapped market for success — a team in the heart of a growing, flourishing, football-obsessed region and a region ripe for economic boom. A team for the south-east is a no-brainer by every measure. Let us get behind Team 11.

Western Victoria rail services

Ms KEALY (Lowan) (13:54) — Last week the cat was let out of the bag on Labor's lack of planning around returning passenger rail to western Victoria, with it being revealed that the Labor government is currently installing concrete sleepers between Ararat and Ballarat which will only suit broad-gauge trains.

One of the greatest barriers to returning passenger rail to western Victoria is the change of rail gauge at Ararat, with standard gauge from Horsham and Hamilton to Ararat but broad gauge from Ararat to Ballarat. We need to plan to standardise rail between Ararat and Ballarat so we can bring back passenger rail from Ballarat to Horsham and Hamilton.

Western Victoria is always forgotten when Labor is in government, and this is just another example of Labor failing to plan for growth and the return of passenger rail to our region. People who live in western Victoria deserve a better deal. Only a Liberal-Nationals government will take steps to improve access to passenger rail in western Victoria.

Local government rates

Ms KEALY — Many local landholders are frustrated and angry that the Daniel Andrews Labor

government has broken its promise to keep rates growth below 2.5 per cent. Many landholders across the Lohan electorate have reported to me that their rates bills have increased by much more than Labor's promised 2.5 per cent rise, with Horsham landholders facing an 11.8 per cent rise and Glenelg Shire Council landholders facing a large rise as well. Ararat Rural City Council is also looking at a rise far in excess of 2.5 per cent. Local landholders have been grossly misled by Labor about their rates being capped, and they are rightly angry. After taking credit for and celebrating the benefits of a 2.5 per cent rate cap, I ask the Premier to explain to local landholders why he has failed to deliver the 2.5 per cent rate cap for all ratepayers.

Westfield Southland

Mr RICHARDSON (Mordialloc) (13:55) — Last year our community came together to oppose the charges imposed by Westfield Southland for parking for retail workers. Sadly, after tens of thousands of people saw this campaign and thousands signed petitions, Westfield continues to charge workers for parking. The average retail worker working in my local area earns about \$41 000. They have recently faced a cut in their penalty rates and times are tough, but Westfield has gone and made it even harder on these residents by increasing the maximum rate of parking at Westfield Southland to \$35. This is after they assured me and my local community that they would never increase parking charges.

Again we see a multinational that will benefit from significant tax cuts at the federal level. After the penalty rate cuts that workers have faced, things are getting tough for local retail workers, so my local community is calling on Westfield Southland to guarantee they will never charge the maximum rate, which is the equivalent of \$8000 a year. They are already paying \$1200 if they are able to park in the staff car park, and being inflicted with that charge has put pressure on local families. So we want Westfield and the Scentre Group, which earned \$4.22 billion last year in profits, to not take money away from low-paid workers and to support the community. They have a social contract after we gave them Southland train station.

Clocktower Community Club

Ms RYALL (Ringwood) (13:57) — The Clocktower Community Club held their Christmas in July luncheon at the Maroondah Sports Club recently. With 50 people in attendance it was a fun-filled afternoon complete with Christmas hats and bonbons. The Clocktower group does a fantastic job in keeping those who may otherwise become disconnected and

lonely in touch with others in a fun and interesting way. Well done to all the wonderful people who put in such a big effort to hold the luncheon.

Norwood Football Club

Ms RYALL — It was fantastic to attend the Norwood Football Club ladies lunch, which as usual was packed with laughs, fun and dancing. I am so passionate about the impact of our sporting clubs and sport for people of all ages, particularly children. The clubs are like family to so many, and for our young people sport and coaching not only provide skill in a sport but help develop focus, discipline and teamwork. With Norwood's cricket nets in disrepair and their netball team with nowhere to train, I was thrilled to announce a commitment that an elected Guy government will contribute \$100 000 to a new dual-purpose cricket and netball training facility at the Norwood ground.

Ringwood Football Club

Ms RYALL — Congratulations to the Ringwood Redbacks Football Club on their fabulous president's lunch. Funds were raised toward research and support for those with spinal muscular atrophy, a little known about yet not uncommon illness that can have devastating effects on little ones and their families. The Redbacks played in orange socks to show their support, and it is great to see local sporting clubs doing what they can to support those in our community.

Maddingley waste-to-energy plant

Mr HOWARD (Buninyong) (13:58) — Last Friday I visited Maddingley to announce a \$500 000 state government grant from the Resource Recovery Infrastructure Fund to support construction of a \$29.86 million waste-to-energy plant at the Maddingley Brown Coal site near Bacchus Marsh. It was great to join the Calleja family, who have been operating the site since 1990, along with directors of IntelliGas, to celebrate a true partnership between business and government to develop an innovative project that will form an important part of our sustainable energy mix. This plant will divert up to 100 000 tonnes of residual timber waste from landfill and turn it into electricity and heat, which will be used to service the neighbouring industrial estate, reduce our reliance on landfill and lower greenhouse gas emissions.

The 10-megawatt generator will create 16 jobs when in operation, as well as 60 jobs during the construction phase. David Maltby of Maddingley Brown Coal spoke passionately about his 15-year vision to see a project

such as this become a reality, while Derek Fekete, CEO of IntelliGas, a Queensland-based company, explained that the Victorian government's willingness to invest at the front end has been critical in leveraging the funding to deliver the project. Derek added that the reason this project has attracted investment from Queensland is that the Victorian government is streets ahead of other states when it comes to having the right policy and regulatory settings to support renewable energy projects.

United Firefighters Union

Mrs FYFFE (Evelyn) (14:00) — We have on numerous occasions heard about, read about and listened to commentary about the unprecedented power and control that Peter Marshall and his union, the United Firefighters Union (UFU), have over this Labor Premier and his cabinet. Now I have a confirmed report that the Metropolitan Fire Brigade (MFB) has negotiated a settlement of over 3 million taxpayer dollars to 15 former and current serving senior officers. This payment has been made in admission that the MFB failed to protect these senior officers from years of bullying and intimidation by Peter Marshall and his union thugs.

Questions must now be asked. How involved was Andrews's right-hand man, the Deputy Premier, Minister for Emergency Services and member for Monbulk, and how much did he know about the bullying and intimidation? I also ask: what other such payments has the minister given or signed off on to employees in the MFB and the Country Fire Authority who have suffered through Marshall's UFU union bullying and continuous intimidation?

Bridge Builders

Mrs FYFFE — I was delighted to visit Bridge Builders with my colleague the shadow Attorney-General, the member for Hawthorn, several weeks ago. Bridge Builders aims to effect recovery, relief and restoration in the lives of young people and their families. The member for Hawthorn and I were warmly welcomed, and we were very impressed with the positive atmosphere and the great work they are doing with young people in and around the Lilydale area. Everyone is a volunteer at Bridge Builders, and I sincerely appreciate the hours and hours they have put in over the years. Their work has had a great impact and changed what could have been the wrong direction for many young people.

Derinya Primary School

Mr EDBROOKE (Frankston) (14:01) — It was great to attend the 43rd annual Derinya Primary School art and craft exhibition last week, the biggest cultural event on the school's calendar and an important fundraiser. It has to be said that this huge event does not happen without the hard work of teachers, parents, students and sponsors in this fantastic school community. Well done to everyone for their hard work and congratulations to everyone on a successful opening night.

Pink

Mr EDBROOKE — Everyone knows that Pink is in town for the Beautiful Trauma tour. I would just like to ask people in the house today: where does Pink go for a meal when she is in Melbourne? She goes down to Seaford, a little bit north of Frankston, in the Carrum electorate. She sat down at the Spanish Bar, had a meal and enjoyed it very much with her hubby, Carey Hart, who is a bit of a hero of mine — the first motocross rider to backflip a bike. He did it successfully; I tried and got injured. But the Spanish Bar at Seaford have got a seat there now that Pink sat on, and I do not think that they will ever let anyone sit in that seat again.

Scarlett Widlend

Mr EDBROOKE — It is also with great sadness that I advise of the recent passing of the wonderful and inspiring Labor candidate for Mornington, Scarlett Widlend. Scarlett was a relentless trailblazer for equality, social justice and LGBTIQI rights. In recent chats she told me about her excitement about being a state candidate and that she looked forward to campaigning. Scarlett's friends and colleagues are in our thoughts and prayers at this difficult time, and she will be greatly missed.

I would just remind everyone at this time to look after one another. Remember that everyone you meet is fighting battles you know nothing about, and never be afraid to ask someone if they are okay, because the answer might surprise you.

Corryong power outages

Mr TILLEY (Benambra) (14:03) — Although it is not a laughing matter, I did have a little chuckle last week when I heard the Minister for Energy, Environment and Climate Change beat her chest with the news that the power outage in Melbourne on one day in summer was the distributors' fault and that Labor had convinced the suppliers to give Melbourne

households \$5 million for the one-off inconvenience. Minister, let me remind you once again about the most remote town in Victoria — Corryong. In the Upper Murray blackouts and brownouts are now a running joke and treated with great apathy. But there is also a hard edge to this — each power disruption also results in the loss of ABC radio, the emergency broadcaster for this bushfire-prone region.

Have a guess how many outages Corryong experienced in summer and autumn this year — not a minor interruption, but more than 15 minutes at a time. Ten, 20, 30?

Honourable members interjecting.

Mr TILLEY — No, you are not even close there. There were 54 power outages of more than 15 minutes. Corryong is almost the first cab off the rank for the Snowy Hydro system. The transmission lines run straight past the township and through the valley, and that makes it even more of a disgrace for this Labor government. So the next time you are pork-barrelling one of your Melbourne electorates, think about the financial benefit you got from selling your share of Snowy Hydro and how that could be better spent in Corryong just keeping on the lights and keeping the emergency radio on the air.

Oakleigh electorate schools

Mr DIMOPOULOS (Oakleigh) (14:04) — When it comes to schools, ‘Labor is completely obsessed with bricks and mortar’. So said the member for Kew in this place in February. This might be a first, but I agree with the member. That is where it ends, though, because when it comes to schools the Liberal Party does not invest in buildings. They have a preference for leaving buildings as they are. They believe education has little to do with good infrastructure. We remember them during the Kennett years simultaneously closing down hundreds of schools while letting many existing ones rot. They did it again under Naphthine and Baillieu. During the previous Liberal government only \$544 000 was invested in school buildings in the Oakleigh electorate. Since 2015 Labor has invested over \$56 million to upgrade and maintain 15 local schools.

But it is not just bricks and mortar. We are providing schools with more resources, we are investing in teachers and we are making sure kids have the best opportunities both at school and when they choose to do higher learning. Last week I attended the opening of the brand-new building at Mount Waverley Heights Primary School delivered by Labor — a \$2 million investment for six new classrooms, outdoor learning

spaces, art rooms and much more. Kids, teachers, staff and parents were all thrilled at the outcome of this new building because they know that it will lead to much better educational outcomes.

I also visited Bentleigh Secondary College with the Premier and my hardworking friend the member for Bentleigh. There will be \$13.4 million for this school to take it to the next level. A couple of weeks back I helped turn the sod for the new double-storey building at Hughesdale Primary School, an investment of some \$3.5 million for eight new classrooms. I would like to place on record my thanks to the staff, parents, kids, councils and supporters of these schools.

Mental health services

Ms THORPE (Northcote) (14:06) — In recent weeks I have been providing support to a constituent in my electorate. She is a young woman of 19 who has been admitted under the Mental Health Act 2014 as an inpatient to the Northern Health psychiatric unit in the intensive care unit. She is currently sharing a ward with three older men and has felt uncomfortable or even threatened by their behaviours at times. While the hospital is sympathetic, there are no alternative wards available. They have tried to admit her to Orygen, a specialist young persons’ mental health unit; however, she lives outside the catchment area and thus is not eligible for admission.

It is a terrible situation that we face in our mental health sector. Not only are our community mental health services starved of funding for people with episodic mental illness, but there are few services just for young people suffering mild or acute mental illness. There are also very few acute mental health services that provide an environment where women feel safe and can be guaranteed protection from abuse. The Greens call on the government to take concerted action and provide investment in safe care for women in mental health facilities and expand youth-specific acute mental health care.

Victorian Environmental Assessment Council central west investigation

Ms STALEY (Ripon) (14:08) — This week in the Parliament I will table a petition signed by thousands of Victorians opposing any changes to land use in Ripon as a result of the current Victorian Environmental Assessment Council (VEAC) central west investigation. The investigation includes the Pyrenees Range Forest, the Mount Cole State Forest, the Ben Major Forest, the St Arnaud Pyrenees State Forest and the Glenmona State Forest. These forests are integral to

the lifestyle and economy of this entire region. Within these forests prospectors fossick, dogs are walked, timber is logged, horses are ridden and firewood is collected. All of these activities, plus many more, are done by locals, and visitors enjoy many of them also.

Over recent weeks the Bush User Groups United have rallied in Maryborough, Beaufort and Avoca. Their message is clear: access to the forests must be maintained. Both The Nationals upper house candidate Jo Armstrong and I have spoken at these rallies. The region has magnificent state and national parks, and I strongly support good management of these parks for current and future generations. My position is clear: there should not be further restrictions put on bush users as a result of changing any of the state forests under investigation. Labor referred these forests to VEAC, and the Ripon Labor candidate needs to make clear before the election what her position is on locking away these important economic and recreational assets.

Patterson River Golf Club

Ms KILKENNY (Carrum) (14:09) — Recently I had the pleasure of meeting representatives from the Patterson River Golf Club in Bonbeach regarding their push to get more women and girls involved in the sport of golf. Patterson River Golf Club president Paul Housiaux and vice-president Natalie Batten are wonderful advocates for local sport, and I want to acknowledge their commitment and vision to encourage more girls and women to get involved and to break down the often misperceived gender and financial barriers that sometimes apply.

Golf is a sport that can be enjoyed by everyone and a sport in which Australian women in particular have been very successful. Karrie Webb is an excellent example of this and someone who many young women look up to. Paul and Natalie are exploring a range of ideas, including teaming up with local schools and community groups to help get golf into the mainstream and to launch a program to encourage girls and women to get involved. I look forward to joining the club for a round of golf and to launch their girls and women's program later this year.

Patterson River Golf Club is also a bit of a hidden gem in the local community. It boasts a beautiful natural environment, but getting to it can be a bit tricky. So when the new Patterson River bridge opens later this year — on schedule — I know the club will be celebrating with the rest of the Bonbeach and Carrum community. I would like to thank Paul, Natalie and the rest of the club for their absolute commitment to female sports. I encourage the community to pay a visit to this

beautiful local facility, and I look forward to joining them to launch their program later in the year.

The Co-operative Party, United Kingdom

Mr PERERA (Cranbourne) (14:10) — During the winter break I had the great opportunity to meet with the general secretary of the Co-operative Party of the UK, Claire McCarthy. This is a little-known party in the UK and virtually unknown in Australia. Amazingly, the party celebrated its centenary anniversary in 2017.

The Co-operative Party of the UK has 37 members in the UK General Assembly, seven in the Scottish Parliament and 11 in the Welsh assembly. On top of that it has 1000 councillors in local councils around the United Kingdom. This small amount of visibility is the reason that the Co-operative Party entered into an agreement in 1927 with the British Labour Party to work together and jointly stand candidates. This is called the Cheltenham agreement. The Co-operative Party shares common objectives and values with the British Labour Party — basically seeking a just and fair society. The difference is that the Labour Party has a top-down approach while the Co-operative Party has a bottom-up approach, working with the community, setting up cooperatives and getting the cooperative membership expanding. The relationship works very well, and they are known as Labour Co-operative members.

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

Second reading

**Debate resumed from 20 June; motion of
Mr CARROLL (Minister for Industry and
Employment).**

Mr R. SMITH (Warrandyte) (14:13) — I rise to speak on the Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018. I just want to begin by putting on the record my appreciation to the minister's office and the department. Firstly, his office was proactive in organising the briefing, which was very much appreciated. Secondly, his department provided a very frank and open discussion of the bill, so thank you very much to those involved.

I turn now to the bill. This bill legislates current practices that are already in place under this government and indeed were in place under previous governments to a large degree. It introduces a new compliance regime and appoints a Local Jobs First

commissioner. Practices around government procurement are robust, and they should be. As much as this government demonstrates otherwise, the fact of the matter is that the money that is used in the services and infrastructure provided by the government is the taxpayer's money, not the government's money, and therefore the practices and the frameworks around the spending of that money should be very robust. Indeed they have been, and certainly there are enough checks and balances to make sure that we are getting value for money.

Having said that, it is typical of a Labor government — and this government is no exception — that there have been significant cost blowouts on a number of major projects over the last two or three years. Certainly we are measuring the cost blowouts for the major projects that the government is undertaking in terms of billions, not just millions. The government has the cheek to characterise that as 'increased investment in infrastructure'. The reality is that the sorts of amounts that the government put forward as budgets for these infrastructure projects prior to the election and since the election have just been absolutely incredible in terms of the way they have blown out. Some project costs have doubled, and I really do not think that there is a person in government or even the departments that has one clue about how much metro rail is going to ultimately cost, because the estimates for what that project is going to cost just keep growing and growing. I would certainly think there should be some more rigour around the government's business cases and the adherence to the budgets that they put forward.

I heard the Minister for Public Transport in question time today crowing about the fact that the metro rail project would be finished ahead of schedule, but certainly I did not hear her mention the fact that it was going to be, as I said, literally billions over budget. Certainly some more rigour and some more robust thought should be put into how those budgets are set going forward to ensure that the budgets do not blow out. Ultimately, as I said, it is the public's money that is being spent on the government's incompetence in this particular area.

As far as procurement goes we have had a longstanding practice through the Victorian Government Purchasing Board of setting policies and saying which agencies policies apply to. That is around the procurement framework. When we come to construction procurement in Victoria there are also a number of documents. There is *Ministerial Directions for Public Construction Procurement in Victoria*. There are directions that are issued by the secretary, titled *Instructions for Public Construction Procurement in*

Victoria, and indeed they have a number of details set out about how tenders should be put forward to market, what sort of approvals should be around that and what sort of requirements are necessary.

As I said, there is the *Ministerial Directions for Public Construction Procurement in Victoria*. The Minister for Industry and Employment, who is at the table, only issued these directions a few weeks ago, on 1 July this year. These directions talk about the application of the directions and the fact that they apply to all agencies and departments, evaluation criteria, probity requirements and a whole range of different things that are critical to how a government procures services and materials for these construction projects.

The ministerial directions talk about the mandatory requirements that are set out for those who tender for Victorian government projects. We also have the construction supplier register, which basically sets out who are suitable tenderers for government projects. Indeed there is also a template for tender documentation, which is pretty comprehensive and details, amongst other things, the Victorian Industry Participation Policy, the industry development plan and the government's policies around trainees and apprentices on these projects as well. As I said, there is a lot of documentation around the procurement of services and supplies for government construction. The process needs to be robust, but it is only as robust as the oversight of the government.

The government says the bill is about transparency and certainty, and that by putting these policies into legislation it actually gives those policies more weight. I would contest that. I would say that the documents that are already being used, the tender templates and the ministerial directions, should really be enough to ensure that the policies are being adhered to. In fact the tender documents are legal documents and if they are broken the government can sue, so to put it in legislation I am not sure is achieving a whole lot.

Having said that, I do support the principles of the Victorian Industry Participation Policy, which I was probably first exposed to in 2009 when I became shadow minister for manufacturing. At that time I talked to a lot of stakeholders about the application of the policy, which former Treasurer John Brumby signed in 2003 along with other state treasurers around the country. There has always been from industry some concerns that the policy is not adhered to enough, and those concerns, I think, have been quite valid. I support the principles of participation policy and I believe we should support Victorian industry for the betterment of the state's economy, but I do not believe particularly

that putting the government's policies into legislation is really going to change anything all that much. As I said, it is really the oversight and the application of the policies that is the main issue at hand. Those are the issues that stakeholders raised with me. They are not sure that the policies are actually being adhered to to the degree that they should be.

I also think this particular bill is one of two things, or maybe both. It is a PR stunt, and I have spoken in this chamber many times about the dumbing down of this government's approach toward legislation by putting titles on bills that are nothing more than what has come out of their press releases. I think having a Local Jobs First bill as opposed to a Victorian Industry Participation Policy bill does not give the history of the bill the representation that it deserves, and I think it is a dumbing down of the bill. Fully half of the first part of the bill is about changing the name of the policy, which is nothing more than a PR exercise, and I would question whether any industry group or indeed any industry in consultation actually said, 'You know, the one thing that is going to make these policies adhered to more is actually changing the title of the bill'. I think that is just a transparent attempt to look like the government is doing something in this space, and I am not sure who actually asked for it.

Notwithstanding, I accept that that is the way the government has made its approach to much legislation that has gone through this place. I am not sure it actually does anything in terms of supporting Victorian industry any more than is being done already, because every part of this bill is already mandated or enforceable through current practices. Again, it is the minister's responsibility to oversight those policies and practices and make sure that they are being adhered to. I take it as a lack of confidence in his own ability to make sure that is happening for him to actually have to put it into legislation to make it work.

If I can turn to the bill, in particular, firstly, to the purposes of the bill, I would ask a question. I am hoping that perhaps members of the government can enlighten me on this particular issue. If we just turn to clause 1(c), one of the purposes of the bill is, and I quote:

... to provide for the development and implementation of a Local Jobs First policy.

Firstly, the bill does not really provide any provisions around making it mandatory for the Local Jobs First policy to be developed any further, but I would ask the question: what further development on the policy is needed? I would assume that the policy is one the government stands behind. The policy is one that the

government has put together in its entirety before it has taken it to the market, so to speak, and if the government feels that this particular bill is needed to provide for the further development of the policy, then maybe the minister or one of the government members who will be speaking on the bill can say what further development is needed. What has the third industry minister actually left out of policy over the past three and a half years, and what in this bill will actually allow for the further development of that particular policy? So I am really just curious about that, and it was a question I asked in the briefing that I am not sure I got an adequate response to.

As I said, there is nothing in this legislation that is not already spoken about in a lot of these policy documents. The minister's directions that were issued just a few weeks ago say that it is mandatory that all tenderers adhere to government policy and that all government agencies and departments need to adhere to those policies, so I am not sure why the minister needs extra legislation or extra weight to make sure that that happens. He should indeed be making sure through his oversight that those policies are being adhered to.

There are new clauses in the bill that allow for the minister to determine a project to be a standard or strategic project outside of the legislative definitions. The minister may correct me, but the annual report that comes as a result of the Victorian Industry Participation Policy already makes it clear that the minister has those powers, again outside of legislation. I am not sure why the legislation needs to provide provisions for the minister to do that. I understand that that is already within his powers.

In relation to the media aspects of the bill, the media release issued in November — and again, may I say, it seems odd that it has taken the best part of eight months to go from media release to legislation; I am not sure why it has taken that long — indeed the Premier —

Mr Carroll interjected.

Mr R. SMITH — I will move on to that. The minister says it is about consultation. I suspect that some industry groups might have some issue with that particular point which they have made to me. The Premier's statement about the proposed legislation said that it will also be a new requirement on all government agencies to buy local uniforms and locally manufactured personal protective equipment such as hi-vis vests, hard hats and safety goggles. Now there is nothing in this bill that mandates that in any way, shape or form. So for the Premier to come out and tell the media that that is going to form part of the

legislation — the minister might be able to point out to me where it is a requirement that that happen — is absolutely not true.

The bill also talks about mandating steel requirements in tenders, and I would just point the minister perhaps to the recent article in the *Herald Sun* in June of this year which talks about the safety concerns raised over the Melbourne Metro project after imported metal beams failed safety tests. That article went on to say:

Welders in Melbourne and Geelong have been working around the clock to fix the infrastructure beams after they failed to pass quality tests last month.

The metal props were destined for major underground works at the northern end of the CBD at Franklin and A'Beckett St to stop access shafts — which are up to 30m underground — from collapsing on workers during construction.

The beams were brought in from Singapore but project engineers quickly raised concerns, prompting them to be sent for rewelding.

The Melbourne Metro authority confirmed the issue but said safety was a top priority on the project.

However the metal workers union is now questioning why all steel for the project is not sourced locally given the well-known issues plaguing the industry overseas.

So I am not sure why, when the government talks about mandating a steel content, they are importing steel from overseas that is clearly unsafe. Again, if the minister is unable to have his own government, of which he is a member, adhere to the policies that the government has put forward, then maybe it is for the government's sake that the legislation is needed. Maybe that is the issue. Maybe the minister was unable to have the Minister for Public Transport do the right thing and adhere to his policies. Maybe he should have a word to her instead of trying to push through legislation that clearly is not being adhered to by the government in terms of the policies that the legislation has. So government may want to look at that.

In terms of the policies around training and apprenticeships, again I would point to some significant failings in the government's approach to trainees and apprenticeships in this state. While making a very big deal about TAFE leading into the last election, we have seen some significant falls in student enrolments and in the funding to TAFE as well as in the staffing of TAFE facilities. That is the trifecta, I guess. It is all very well to make these pronouncements when you are not in government, and it is all very well to criticise, but when the Labor Party actually got into government we saw as early as April 2016 articles about their failure in this space. The first one was from the *Age*, headlined

'TAFE student numbers fall as scandals bite', which started off by saying:

Enrolments at Victorian TAFEs have plummeted up to 27 per cent ...

The budgets in 2016 subsequently showed that Labor had trained over 65 000 fewer students, subsidised 800 000 fewer enrolments and reduced government-subsidised training by 27 million hours. Places for young people had declined, with a 4.8 per cent drop in the participation rate of 15 to 24-year-olds in the training system. Later that same year, in July 2016, we found also that Victoria had experienced a dramatic decline in vocational education and training (VET) student enrolments, down 13.2 per cent. In December 2016 we saw that since December 2014 the number of students training in Victoria had dropped 45.3 per cent — unbelievable — and TAFE staff numbers across the state had also declined by 6.5 per cent in just one year. Subsequently, in May 2017, after the 2017 budget, we found that there were 122 597 fewer students enrolled in government-subsidised training, over 168 000 fewer government-subsidised course enrolments and the participation of young people in training had declined by 6.6 per cent, a point well made by the *Australian* in June 2017 in an article entitled 'TAFE in disarray as students walk away':

TAFE enrolments are collapsing and thousands of staff are being dumped from lecturing positions as students desert the sector.

It went on to say:

'Most changes in TAFE workforces are likely to be in response to fluctuations in the demand-driven system', a government spokesman said.

That was stating the obvious, of course: less people enrolled, so less need for staff. In February this year a report from the Productivity Commission showed that the Andrews Labor government had cut recurrent funding to Victoria's VET sector to \$698.7 million in 2016, which was half the investment of the former Liberal-Nationals coalition government. I will go on to say that in May of this year we had student enrolments crash by more than 150 000. Again, the government may have policies around training, but the fact of the matter is that when we look at training opportunities, when we look at the enrolments of students in courses that the government subsidises, we have seen quite a collapse over the last three and a half years, and I am sure that the government, like with many things, is certainly not going to take any sort of responsibility for that, but that is the fact of the matter. The government

may well have these policies, but again, they are just simply not being adhered to in any way, shape or form.

If I move to the part of the bill that relates to the Local Jobs First commissioner, I will just go through and have a look at the functions of the commissioner, at clause 18. I will just quickly go through them:

The Commissioner has the following functions—

... to promote the Local Jobs First policy across agencies and local industry;

... to collaborate with agencies and external service providers to assist businesses in targeting companies and workers in specific sectors and regions;

... to work with agencies to improve Victorian industry access to current and future government procurement opportunities;

... to advocate for the private sector ...

et cetera. I would say this is the minister's job description. This is what the minister should be doing. This is what you are when you become a minister; you are actually an advocate for your portfolio area. For the minister to be farming out his responsibilities to a commissioner really just says how —

Mr Carroll interjected.

Mr R. SMITH — The minister is just farming his responsibilities out. This is the minister's job. This is typical of this government. This government loves to put buffers between stakeholders and themselves. You can look at it with the different authorities that they put together. This government hates dealing directly with stakeholders. This government would rather put a buffer in. If the industry has got a problem with the way that the policies are being adhered to, they are not going to come to you; you will just send them off to the commissioner. The commissioner is going to be getting involved. The commissioner is going to be the one advocating for business here —

Mr Carroll — Go and talk to Tim Piper.

Mr R. SMITH — And I will, let me tell you. The minister says, 'Go and talk to Tim Piper'. Well I will tell you what Tim Piper said to me. I have known Tim for a very, very long time. Tim is very straight. He is no patsy to government and he is quite happy to say what he thinks.

He said to me that if this government appoints a commissioner who is not employer friendly as well as union friendly, then this whole piece of legislation is a sham. We will wait and see just who gets appointed to this commissioner's role. We will wait and see which

person is going to take the minister's responsibilities from him and which person is going to be the buffer between the stakeholders and the government. We are going to find out who that person is. Again I say that if this government does not appoint someone who is as friendly to employers as they are to their union masters, then this whole bill is a sham and the government's commitment to Victorian industry is also a sham. If you want to find out what Ai Group said, that is what they said.

I can also say, while we are on the subject of industry groups, that the Victorian Chamber of Commerce and Industry (VCCI) talked about what they would have liked to have seen in the bill. The minister said that he consulted with industry groups. Well, he might have consulted, but I am not sure he listened, because I have a very long list here from VCCI of things that they would have liked to have seen in the bill that are simply not there. They would have liked to have seen some certainty that the commissioner will not be taking a punitive approach when discussing tendering opportunities with business. The commissioner's approach may actually discourage business from getting involved in tender processes, because they may well take a position that is far from being facilitative. They also talked about a provision for industry to be included in the representatives to engage with the minister to have a project declared a standard or strategic project. They wanted provisions to have the minister determine requirements to engage business associations to maximise the use of consortia in regional businesses and small and medium enterprises. I could go on. There are a number of things here.

The government may well have consulted, but when you talk to someone it is not about talking at them and it is not about telling them what you are going to do. It is about asking them what they would like to see in this sort of legislation. It is about asking them what it is that they would like to see so that there is true consultation so that the proposed legislation can be as good as it can be. It is not about just having a snappy tagline like 'local jobs first'; it is about actually delivering legislation that industry groups and industry, and indeed other stakeholders, actually think is good legislation. But of course this government may well have asked the question about what industry groups thought of the bill, but they did not actually go that step further and implement the sorts of things that those industry groups would have liked to have seen.

Consultation is actually more than just talking to people; it is about cooperating and putting the sorts of things in that will actually help industry in this state. Government cannot deliver every good idea. You

actually have to talk to people and take on board what they say. As I say, there are a number of issues —

Mr Carroll interjected.

Mr R. SMITH — You can hold up your little tweet. You can hold up your phone and show me a picture of VCCI. I have a letter I can hold up too which says there are a lot of things, Minister, that they said you missed.

Mr Noonan interjected.

Mr R. SMITH — Thanks for your help.

The ACTING SPEAKER (Ms Thomson) — Member for Warrandyte, you asked for the Chair's assistance before in relation to interjections, which the Chair gave. I would suggest that you go through the Chair; otherwise the protection of the Chair when you get interjections again has no grounding. Please, through the Chair.

Mr R. SMITH — Thank you, Acting Speaker. I did ask for protection from the Chair; I did not ask for assistance from the member for Williamstown. But as the second industry minister, who also failed to deliver much, and I guess with the revolving door of ministers in this particular portfolio area, maybe the minister feels that he has something to say now. There was an opportunity when he was the minister to make —

Mr Pearson interjected.

Mr R. SMITH — I am talking about industry ministers and not about the industry bill. That is bizarre, isn't it? The contention from those opposite is that we on this side of the house cannot talk about industry ministers. This government has had a revolving door of ministers who have delivered very little to industry, and at the 11th hour we have a bill that does not deliver a whole lot —

Mr Carroll interjected.

Mr R. SMITH — That is all good. The minister is getting riled up in my last 6 minutes, but we have a bill here called Local Jobs First. Why don't we talk about jobs? What are the latest jobs figures? Let me talk about the latest jobs figures. Victoria was the only jurisdiction with a net increase in unemployed persons — the only jurisdiction in the whole country. Victoria was the only jurisdiction with an increase in the unemployment rate, and it was the state in this country with the largest increase in the number of unemployed persons.

If you want to talk about jobs, why don't we talk about the Latrobe Valley? That would be a good one. Why

don't we talk about the Latrobe Valley, where Morwell has 100 jobs —

Mr Carroll interjected.

Mr R. SMITH — The minister is talking about 100 jobs. Government policies killed 700 jobs overnight at the Hazelwood power station. Government policies killed literally hundreds of other jobs associated with that power station. The government is crowing while there is a 15 per cent unemployment rate in Moe and Morwell.

Mr T. Bull — Morwell is over 20.

Mr R. SMITH — Is it over 20? Thank you, member for Gippsland East. May I say that the government might be very proud of its jobs record, but let me tell you that it should get down to the Latrobe Valley and talk to the people who are unemployed. The government's policy of tripling coal royalties sent Engie out of business and made those people unemployed overnight. What is the government's response? 'We're going to build a GovHub. We're going to build a hub for government services in Morwell'. That will pick up all those guys who worked in the power station, won't it! When is that GovHub going to be ready? Does anyone know? 2022. Four years after the government smashed those jobs, they say they are now going to build a department out there where they can take people. The minister is crowing about 100 extra jobs down there. Well, there were over 1000 — there were probably over 2000 — jobs lost under your watch.

Mr Carroll interjected.

The ACTING SPEAKER (Ms Thomson) — I ask that interjections be kept to a minimum. I suggest that the member for Warrandyte might like to return to the bill.

Mr R. SMITH — When a bill calls itself Local Jobs First and the proposition is that I cannot talk about job losses in this state, that is a very odd proposition. Maybe I am talking to the wrong person, because the member for Gippsland South asked the following question in a Public Accounts and Estimates Committee hearing:

Are you able to advise how many of the jobs that are proposed to go there —

being the GovHub —

are simply relocations of existing positions and how many will actually be new jobs?

The minister of course did not answer that. Do you know what the departmental officer said? He said:

I cannot give you those figures here, but can I suggest you ask that question to the Minister for Regional Development, because it is her project, not Minister Carroll's.

We should not be asking the Ministry for Industry and Employment about jobs. Talk about being protected by your department. They are doing a great job for you down there, aren't they? They are doing a great job making sure that the minister for employment is not going to answer a question about jobs.

The ACTING SPEAKER (Ms Thomson) — Through the Chair, member for Warrandyte.

Mr R. SMITH — It beggars belief. This goes to exactly what I am talking about with this bill. It does not actually do anything that the government should not already be overlooking. It talks about local jobs first, but the government of the day ignores the job losses that it created, and we have got situations where government departmental officers are shielding the minister from questions about jobs. I have even got a situation here where those opposite are saying that with a bill entitled Local Jobs First I cannot talk about jobs and unemployment. Take your job seriously. Do not put a commissioner in who is going to shield you from stakeholders. Do not put a commissioner in who is going to make sure that you are not going to have these —

The ACTING SPEAKER (Ms Thomson) — Again, through the Chair.

Mr R. SMITH — I am using the word 'you' as a catch-all. But as long as the minister does not have to deal directly with stakeholders, as long as the minister does not have to deal directly with job losses and — heaven forbid — as long as the minister does not have to deal with the hundreds of unemployed people down in the Latrobe Valley, that is a real positive for the government. Not having to face the real world, but rather having to face the spin of press releases, has been the hallmark of the government over the last three years.

In conclusion, this bill does bring in a whole lot more red tape to industry that is already drowning in red tape. It is clear that the minister has no confidence in his ability to manage the policies that are actually his responsibility. He has no confidence clearly in his ability to oversight that the policies are being adhered to, and a typical example is the Minister for Public Transport, who showed us that with her insistence on Singaporean steel. He clearly should have had more oversight over that particular issue, and of course he has

no confidence that people are going to be following these ministerial directions, which are mandatory. The minister would not need this legislation if he had any confidence that the directions he issued just weeks ago were actually going to be adhered to.

In short, this government has had a revolving door approach to the industry portfolio, with no less than three ministers over the three and a half years that it has been in power. I guess it is disappointing for industry to see that this last minister, their third minister, clearly still has his training wheels on.

Mr Carroll — On a point of order, Acting Speaker, with the shadow minister we have just seen a performance where he has not done his homework. I am happy to table the press release from Mark Stone on 21 June, 'Local business first bill means more work for Victorian businesses' —

Honourable members interjecting.

Mr Carroll — I am on my feet. You are the shadow.

Honourable members interjecting.

Mr Carroll — You are the shadow. Do you know the difference? You'll always be the shadow.

The ACTING SPEAKER (Ms Thomson) — Order! Minister, can you resume your seat please, and can the member for Warrandyte be silent while I speak. There is no point of order. The member for Williamstown has the call.

Mr NOONAN (Williamstown) (14:42) — I am really proud, as one of my last contributions to this Parliament, to speak on this the Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018. I am debating in my mind whether to go to some comments made by the member for Warrandyte, but I would only be paying him a level of respect in responding to his comments. I am choosing not to, and in fact I feel sorry for the Parliament given that we had to listen to those 25 minutes quite frankly.

This bill is a reflection of Labor's DNA, and this bill is a reflection of the minister's DNA. This is a minister and a government who care about jobs, a minister and a government who care about local businesses and, most importantly, a minister and a government who care about young people and making sure that young people get a start on our major projects. I suspect very strongly that we will have a lot of Labor members who will want to make a contribution on this bill. Why? Because there are a lot of major projects happening around the state. In fact the notes I have read in relation to this bill

say there are 88 strategic projects happening. Compare that to the last term of government where there were eight projects. There are 10 times the projects in less than four years being implemented by this government and importantly providing young people with an opportunity to get a start.

All I heard from the member for Warrandyte was an attack on Labor's policies around TAFE. I tell you what, we have not only rescued TAFE but we are giving young people an opportunity to work on our major projects. The hapless shadow minister attacks our record on jobs. Again, there are about 350 000 additional jobs and people working in Victoria in the less than four years since we came to government. How many under the previous government? Less than 100 000. About 75 000 of those new jobs are as a result of our major infrastructure. It stands in stark contrast with those opposite. When they — the Liberals and Nationals — had a chance to govern what they did was put our state to sleep. We have not wasted a moment over our period of government to get the state moving again.

This government understands very clearly that we are in fact a major procurer of services, of goods and indeed of infrastructure. I have already talked about our record but those strategic projects are worth more than \$50 billion. When people look around Australia and try to understand why Victoria has become the engine room for our national economy and why we are creating so many jobs, it is because within this government's DNA is a very, very firm commitment to get people into jobs. It is really fascinating when I listen to Malcolm Turnbull and his frontbenchers get up and talk about jobs and how they are creating new jobs. I tell you what, if you took Victoria out of the equation, it would be a very different look for the commonwealth government.

Think about the Major Projects Skills Guarantee. We have all, on the Labor side, had the greatest of privileges to go out to these major projects and talk to young people, whether they be engineering cadets, whether they be trainees or whether they be apprentices, getting their first start. In some cases these young people have experienced unemployment before being assisted to get a job and are working on the sort of projects that are shaping our state not just for today but for a whole generation. What you hear from those young people are great stories about pride and about the training and the experience and where that opportunity might take them. Again, I congratulate the Minister for Industry and Employment and his staff and the department for ensuring that wherever we can we promote this.

I listened to the shadow minister in his very, very poor contribution talk about, 'Why do we need this?'. This is about enshrining policies into law. There is a very big difference between practice and policy and law, and you would think that the member for Warrandyte — I know he does not spend a lot of time in this place; he spends most of his time out of this place because the Speaker has to remove him — would actually understand the significance of enshrining something into law.

I tell you what, the biggest threat to our procurement policies in this state is in fact the Liberal-Nationals coalition. We know that through their practices. Think about my electorate of Williamstown. We have got a shipyard sitting there basically rotting. Why is that the case? Because the sort of legislation that we are debating today is not a feature of the commonwealth's legislative program. We have got a shipyard which has a very proud history of building some of our best ships for the Australian navy basically sitting idle because the federal government does not have a procurement-led piece of legislation such as the one that the minister has brought to our Parliament. As a result it is a ghost town down there.

By contrast, go up the road to Newport where we are building 65 high-capacity metro trains. What a great thing that is. If anyone on the Labor side has not visited the Downer workshops in Newport, they are missing out. What you see is a lot of people — men and women, young people and experienced people — working in that workshop now building our high-capacity metro trains. What would have happened under the previous government? Those trains would have simply been ordered from South Korea or India with no value whatsoever being brought to the Victorian economy, no eye on the opportunity to bring local jobs to Victoria and no eye on supply chain opportunities.

Go up the road to Altona where you have got Toyota, who used to make cars until Tony Abbott and Joe Hockey turned their backs on the car industry. You have got all of those people looking for work. It brought me a great warmth to meet a number of people working at Downer who had worked at Toyota. They are now transferring their skills to a rail manufacturer here in Victoria making our trains — built by Victorians for Victorians. I met a number of women at the Downer workshops who are only just on their journey, I suppose, but they feel very strongly now about their future because of the Victorian government's policies and our quest to enshrine our procurement policies into law.

Go down the road to the West Gate tunnel project — the biggest road project since the West Gate Bridge was in fact built — 6000 people will get jobs there. Again I talk about auto workers. It is terrific that about 150 ex-auto workers will be given an opportunity through that project to get jobs. Young people, trainees, cadets and apprentices will get a start through this transformative project for Melbourne's west. It is not just a road project; it is something that will generate new economic opportunities not just for Melbourne's west but also for the Geelong region and South Barwon.

Yesterday I was with the Minister for Public Transport. We were at the level crossing site on Kororoit Creek Road. The crossing has been removed and a bridge is now over the top of the road. It was terrific to be able to meet workers who have been able to work on the project. I understand about 700 jobs have been created as a result of just that particular project and the other ones that we are doing across our 50 dangerous and congested level crossings. These are jobs that have been created because the Victorian government understands that we have got an opportunity to get our state moving again.

We have got an opportunity, after the previous government, to get our state moving. That is what this minister is doing, that is what the Premier is doing and that is what every member of the Labor government is really focused on, because within our DNA we very strongly understand the critical things that governments can do in order to create jobs. I want to place this on record as a previous industry minister. I am very proud to be leaving this government, after 11 years in Parliament, knowing that this is the sort of legislation that we are debating today in this Parliament. I do not know if the opposition is supporting it — I am not sure the shadow minister has the authority anymore in relation to putting the Liberal and National position on anything, because the last time he did that he got in a bit of trouble.

We know on this side that this is a bill that will fundamentally support local jobs. It is absolutely all about supporting local jobs. It goes further. It is about supporting local businesses. It is not just about building something, it is about creating a manufacturing opportunity and the other professional service opportunities that hang off the sorts of projects that Labor is getting on with and delivering in government. Importantly, and most pleasingly from my point of view, it is about creating opportunities for young people. About 1000 of these opportunities have been created, and I understand about 3000 will be created out of the projects that we have announced. When I go to my local secondary schools I know that in the years to come some

of those young people will move into our free TAFE courses and then go on to work on major projects of this sort. Why? Because this government has made this its policy direction and today brings it into law.

As I have said during my contribution, the biggest threat to procurement practices in this state would be a change of government, and industry knows that. The Australian Industry Group knows that, the Victorian Chamber of Commerce and Industry knows that and employers who are benefiting from our approach both in policy movements and in law know that. I want to congratulate my good friend the minister and member for Niddrie and his staff, particularly Owen Virtue.

Mr McCURDY (Ovens Valley) (14:53) — I am delighted to rise to make a contribution on the Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018 and to get some balance back into the argument. We have heard from both sides at this stage. May I say that Labor has been in power for 15 of the last 19 years and it is great that they have started talking about local jobs — it takes an election year for them to actually start talking about local jobs. I am pleased it is on the agenda, and that is mostly due to an election year I am sure. I am pleased that they are starting to come around to understand what is important in our communities — communities like Cobram, Yarrowonga and Wangaratta up in the Ovens Valley where regional jobs and employment are absolutely paramount to make sure our communities survive throughout the good and bad times.

This bill will change the title of the Victorian Industry Participation Policy Act to the Local Jobs First Act and will legislate current government policies around the local content that is required for apprentice and training places on government projects. It will also appoint a Local Jobs First commissioner — as long as it does not turn into a scapegoat — for the promotion and advocacy of the Victorian government's procurement policies. A lot of work needs to be done in that area, and I will touch on that a little later in my contribution. The bill will also add an enforcement regime to the government's procurement policies.

Fundamentally the bill allows the minister to determine local content requirements and other matters relating to government projects. It requires a local industry development plan for those tendering for government work and allows the minister to declare a project to be a standard or strategic project outside the bill's definition and parameters. Finally, it allows for the appointment of a Local Jobs First commissioner, as I mentioned before, and outlines the functions of the role that is

being set up and the compliance and enforcement regimes for that local jobs commissioner.

In terms of local jobs in regional Victoria, as I mentioned earlier, this is the key to our local economies. It is a key to our local employment and business success in the local communities. What Labor have failed to consider — as we know, we have a city-centric government based around Melbourne and the issues that happen in Melbourne, and we need to be more considerate of the 25 per cent of the population that live in regional Victoria — is that without local jobs in their local communities our country towns just wither on the vine and they either die or grind to a halt. Wangaratta is the centrepiece of the Ovens Valley electorate. Local jobs and business opportunities are vital because Wangaratta services centres like Yarrawonga, Bundalong, Boorhaman and Killawarra. We have got industrial contractors who provide infrastructure and support to other larger centres like Myrtleford and Bright, so it is important that we keep those larger businesses strong and give them opportunities — not just small businesses and the mum-and-dad businesses but the larger businesses as well.

I know communities like Whitfield — Whitfield is a community with a heart of gold, a proactive community and a wine region that can match any other in Australia or even beyond — rely on partnerships for local jobs and the supply of progressive tradesmen from Wangaratta. So this government cannot just look at local jobs first without considering their procurement policies as well. For example, to extend Northeast Health Wangaratta — the Wangaratta Base Hospital — or to build Wangaratta Secondary College, very few local operators, if any, have the turnover to procure such large government jobs. We fight for infrastructure for our towns but we also need local carriage of the building of the projects as well, not just the subcontracting of parts of them.

The Labor government's procurement policy effectively locks out local tradespeople and local businesses from tendering for those jobs because they just do not have a large enough turnover. For example, a \$20 million job might require that a business has done \$20 million worth of turnover in the previous year. So a Melbourne-based international, national or even multinational consortium are awarded the bulk of the job. Sure, they then subcontract out part of that job to locals, but the multinationals are the major players and they take the cream and they flick the crumbs to the local companies.

The local companies get their subcontractors and they get part of the electrical part of it or part of the glazing

or part of the plumbing sections, but local businesses do not get a large portion, just a couple of months work, whether it is even six months of a project that might be 12 months or 18 months. They will get six months here or two months there. This prevents local businesses from putting on an apprentice, and an apprentice is an investment in the future of our local communities, because the component of the job that they get is only a small part of that. The large multinational that is doing the entire job and bits or pieces of the entire job can afford to put on, and have the courage and confidence to put on, an apprentice, but it is the local communities and businesses that need that confidence and courage to put on apprentices. That local apprentice plays footy locally, buys a car locally and will one day probably build or buy a house locally as well.

That is the part of the procurement policy that I would certainly like to see looked at more closely to ensure that businesses in our local towns, our smaller businesses, get a chance to tender for those major projects and not just pick up the crumbs, as I said before. So before this city-centric government pats itself on the back for finally thinking about local jobs, it needs to think again and look at the sustainable long-term contracts for local businesses in regional areas. It gives the businesses, as I said, the confidence and the courage to invest in long-term jobs and not just short-term labourers.

If we look at page 5 of the bill — I refer to clause 14 on page 5 — the Major Projects Skills Guarantee requires that apprentices, trainees or cadets engage for a minimum of 10 per cent of the total number of estimated hours of work on the project. Again, this should not be micromanaged. It is not about creating more red tape for businesses to work within it. Give businesses the opportunity to work how they need to work. They can make those decisions. We know that Labor is not good at managing money and has had a poor record of managing major projects. They have really struggled. If you look at Epping, there is the example of the Epping market for sale —

Ms Thomas interjected.

The ACTING SPEAKER (Ms Thomson) — Can we keep the interjections down, please.

Mr McCURDY — There is also the sale of the poker machines. Look at the amount of money we lost on that. If they want to talk about not being careful with taxpayers money, you have only got to look at those two projects. Labor should stop trying to kowtow to the CFMEU and deliver a model that genuinely supports

and works with small businesses, not just impose another set of rules for them to comply with.

Still on the bill, page 7 talks about the powers and functions of the Local Jobs First commissioner. Again I say that this is not an opportunity to just buck-pass and handpass your role as a government to the commissioner. You need to take responsibility for the outcomes, not just set up a process and say, 'That's enough. We've now got a commissioner. We'll wipe our hands of it and we'll just hand it all over to the commissioner', because as the member for Warrandyte said, it is important as a minister and as a government to take responsibility for the outcomes, not just set up a structure and away it goes and then leave it to somebody else. Too often a commissioner like this can just be there forever and a day. It is very easy to set up a commissioner, but it seems very difficult to deconstruct one and go back to the way things were. This commissioner will be in place for some time, and it is about making sure that they are accountable as well.

In terms of enforcement, the commissioner has the power to issue a notice in writing. I note the bill says that the commissioner may issue a notice in writing to a person if the commissioner reasonably believes the person has failed to comply with an information notice, failed to comply with a Local Jobs First policy or failed to comply with the local industry development plan. I understand all of that, but we need to be careful that we are not just setting up another bureaucracy, which is the Labor way — more jobs and more paper shufflers. This local commissioner can just keep shuffling paper from one hand to the other. We need to ensure that the role and functions of the commissioner are transparent, that they are not doing what the minister should be doing and that the commissioner is actually keeping a close eye on those transactions. The minister at the end of the day needs to be responsible for their actions and not just handpass that responsibility.

Finally, I also note that the Victorian Chamber of Commerce and Industry support the principles of the policies, but they are also concerned that the commissioner may take a punitive rather than a facilitative approach, and that is a real concern to me. The red tape that this government continues to serve up to us is a concern. It is the Labor way. I am also concerned about the additional regulatory burden, as I suggested. While at the same time the bill imposes targets and metrics on business, it does not provide support to businesses to meet them. With those words, I think we need to be very careful and that we monitor the Local Jobs First commissioner as we go forward to make sure that the job that it was set up to do continues in that vein.

Ms THOMAS (Macedon) (15:03) — I am very proud today to rise to speak on the Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018. This is the sort of bill that only a Labor government would bring before the house because only Labor governments have the imagination, the optimism and the commitment to working people to deliver a bill such as this to the house.

What a contrast to those on the other side, having listened to some of the speakers before me. Let me say this to you: I am so pleased that this bill is before the house in this term of government because, as I said in my interjection, if ever that mob have the opportunity to occupy the Treasury benches again, then it is a bill like this that will ensure that the working people of Victoria are given some protection going forward and that we hold a future Liberal-Nationals government to account to ensure that they continue to focus on delivering jobs for the working people of this state. We know on this side of the house that a secure, safe and fair job is the key to a good life. Work brings meaning and purpose to all of our lives, and it also enables us to support ourselves and our families, to buy a home, to take a holiday and to plan for the future.

I know that everything that I have just said is self-evident, so one wonders why those on the other side of the house seem to be so committed to a deep negligence when it comes to doing what they could have done in government to support and promote employment in this state instead of overseeing the highest unemployment rate of all —

An honourable member — On the mainland.

Ms THOMAS — on the mainland. That is the legacy that was left to us by the Liberal and National government. This Labor government firmly believes in a strong economy in the service of the community. Again, what a contrast to those on the other side, who believe only in an economy that serves them and their mates without any regard for creating jobs and opportunity for young people in this state no matter where they live and without any regard for creating new opportunities for those who have been retrenched or who have worked in industries that have been restructured or indeed closed down as a consequence of the negligence of other Liberal governments. This is a government that is totally focused always on ensuring equity in the labour market where it is needed. We will make sure that we are there to give those who need an extra hand up or a boost or assistance into the labour market and help deliver for them.

This bill amends the title of the legislation from the Victorian Industry Participation Policy Act 2003 to the Local Jobs First Act 2003. It legislates the Local Jobs First Victorian Industry Participation Policy (VIPP) objectives by outlining the requirements for standard and strategic projects, including the requirements for minimum local content on certain projects. It provides the minister with powers to maximise the use of certain content on a project-by-project basis. It legislates the Major Projects Skills Guarantee (MPSG) so that a minimum of 10 per cent of estimated hours worked on major projects are conducted by apprentices, trainees or cadets.

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

I want to go back and remind members of the house that since November 2014, when the Andrews Labor government assumed power in this place, our economy has grown by almost 350 000 new jobs, and 75 000 of those new jobs will be created through our infrastructure program alone. For four years under the previous Liberal government our economy was in sleep mode. It was embarrassing how little was done. Only yesterday we learned that when they were in government the opposition were hiring more and more staffers towards the end of their term to boost their election chances. Our taxpayer dollar was being spent to boost their election chances. That was a government, as I said before, which oversaw an increase in unemployment and which left us with the highest unemployment rate of any state on the mainland. How absolutely outrageous! In contrast, under Labor the economy is booming, and a major driver of our economic success has been our investment in infrastructure.

With our investments we always have chosen and always will choose to put local jobs and local businesses first. That is why we have the best government procurement and local content policies in the country, and now we are making them even better. We are committed to using our investments to support local businesses, create new training opportunities and create new local jobs. As the minister likes to remind us, under Labor there are 88 strategic projects with a total value of \$55 billion. What a contrast that is, as we know, to the previous Liberal government, which developed only eight strategic projects while in

government. We have also created around 3500 opportunities for local apprentices, trainees and cadets, with almost 1000 on the job already, thanks to our Major Projects Skills Guarantee. We are now putting our commitment to local jobs into law, and this bill will mandate our commitment to local jobs and local apprentices and putting local businesses first. It will also, as I mentioned earlier, establish the Local Jobs First commissioner to enforce those laws and to facilitate more opportunities for local businesses.

I am very proud to report that right across my electorate of Macedon we have seen a huge boost in young people being employed on a range of infrastructure projects. It really has been a pleasure to meet and work with Riddells Creek construction company Raysett Constructions, which I am very pleased to say has picked up a number of government projects, including, again in my electorate, the Kyneton courthouse \$1.2 million upgrade and the Woodend Primary School \$2 million upgrade. Bendigo building company Fairbrother was successful in picking up almost \$11 million worth of work at Kyneton Secondary College. Wherever I travel across my electorate it is really terrific to meet with and talk to construction companies, but it is especially great to meet with and talk to the trainees and apprentices that are getting their start in building real skills through working on government infrastructure projects.

There is a really lovely story here in a local construction company building a training and innovation hub at Kyneton Secondary College that will enable the young people of Kyneton and surrounding communities across the Macedon Ranges to develop the skills that they will in turn need for the major infrastructure projects of the future. Whether it be, as I said, our school building projects, the \$20 million safety upgrade of the Melbourne-Lancefield Road or the car parks that are being delivered at stations across my electorate, there is more construction work underway. The point about our construction projects is that they are creating a pipeline of work across Victoria. As I said earlier, whenever I get that opportunity to meet with and talk to construction workers and business owners in my electorate they tell me they have never had it so good, because not only is the work here and now but we have got the pipeline there to give certainty to these businesses to enable them to take that step and employ trainees and apprentices.

This is a fantastic bill. I really commend the Minister for Industry and Employment on the energy with which he has approached his job. As I said, we are very well aware of our 88 strategic projects, and we are very well aware that we have a minister who is utterly committed to

ensuring that young people whose life chances have not been as great as others get a second chance through our Major Projects Skills Guarantee. We are making sure that job opportunities are created for those who need them most and that those job opportunities are being spread across the state. I commend the bill to the house.

Mr GIDLEY (Mount Waverley) (15:13) — It is my pleasure to rise to make a contribution on the Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018. I wish I was in this chamber to talk about job creation, but unfortunately we have got a job-killing government, a government that has gone out of its way at every opportunity to destroy jobs and to make it harder to employ people.

But it is always a pleasure to follow the member for Macedon. In particular I want to highlight to the house the words spoken in the past by other members of the government which the member for Macedon has repeated — that is, ‘Businesses have never had it so good’. They were the words of the Treasurer. It is clearly flowing from members of the government that this government believes that businesses have never had it so good — their words. They have never had it so good.

It is very, very clear why this government is focused on destroying rather than creating jobs, and that is because they are just not living in the real world. From the number of businesses that I talk to across Glen Waverley, Mount Waverley and throughout Victoria, I see that it is very, very different. It is very clear that businesses — whether or not it is about profitability, whether or not it is about cash flow or whether or not it is about managing the burdens of the high levels of red tape this government is putting in place — are not in an environment where they have never had it so good. They are not in that environment. That paints a very different picture to that which this government believes is happening.

It should not surprise us that it is not the view of businesses that they have never had it so good, because this government has presided over record increases in energy prices, whether it is gas or whether it is electricity, which are key components that Victorian small and medium-sized businesses in particular rely on. Their energy bills have skyrocketed — not 5 per cent, not 10 per cent, not 20 per cent, not 100 per cent, but 600 or 800 per cent at times and more. If you are a small or medium-sized business and you have that sort of increase in your energy bills as a direct consequence of this government’s actions on energy policy, there is no way that you then have the capacity to manage that while at the same time not reduce employment opportunities for your workers, not reduce the number

of part-time or casual hours that you offer your employees or sadly — even worse — not cut your permanent ongoing employees. That is not the way the real world operates. When you increase the cost of doing business to such an extent, because of record high energy prices, you cost jobs, and that is what this government has done.

On the one hand there is the Treasurer, the member for Macedon and others saying that businesses have never had it so good. On the other hand there is the real-world reality of businesses having to cut employees because of increases in energy prices. But it is not just this government’s attack on businesses and the increasing cost of doing business through energy prices that is of concern. That is bad enough, but there has been a tripling of the coal royalties, putting Hazelwood out of business, and energy policies have been put in place that have led to the skyrocketing cost of doing business.

We also have a government that is raking in record levels of state government taxes, such as payroll tax and a whole range of other taxes that impact on the confidence and the ability of small and medium-sized businesses to employ people. As I said, whether or not that is from payroll tax or land tax, if you are a small or medium-sized business, those costs flow through to the bank account, they flow through to the profit and loss statement and they flow through to the ability to offer casual and part-time hours or, even worse, retain ongoing permanent employment.

Those of us who come from a background of understanding small and medium-sized businesses and who come from a background of understanding the pressures they face know that. Obviously those on the other side, who have said that businesses have never had it so good, do not understand that. Whether or not it is from energy prices, from the level of state government taxes and charges or from the level of regulation, this government is a job-killing government.

Many people from a number of areas across the state have said to me, ‘I want to work more hours, but I don’t have the capacity to because my employer is not providing that’. The level of underemployment in particular is of enormous concern because not only is it impacting on the household or family budget and the ability to pay the record levels of energy bills that are coming in but it is also, without a doubt, impacting on everything that flows from that, including record levels of crime, social dysfunction and other things. Of course that has all been presided over by this government.

When we look at infrastructure projects we could today have been talking about and looking at the

construction — which would have been well underway — of the east–west link. But of course this government destroyed thousands of jobs through their irresponsible decision to cancel the east–west link contract, which they said would not cost any money. We know that that was simply not the case. All of the job opportunities that would have come from that road construction project, the east–west link, and all of the industries that would have been able to, as a flow-on effect, create other job opportunities in this state, were cancelled as a consequence of that decision by this government. Even worse is the money that was wasted in the payment of compensation by a government that clearly misled the people of Victoria at the last state election when it said cancelling the east–west link would not cost any money. It was not only the direct construction jobs and the indirect construction jobs but the money, \$1.3 billion, and what that could have done.

We have had crocodile tears from those on the other side who have said they are fighting for jobs. They just destroyed \$1.3 billion of investment in jobs and everything that flows from that because of their cancellation of the east–west link. They have destroyed jobs because of their record high level of energy prices. They have destroyed jobs because of their record tax take on land tax, on payroll tax and in particular as a result of the burden of red tape. These are crocodile tears from people who are either misinformed or genuinely do not care. I do not know which one it is, but I can tell you now that as a contrast those on this side of the house do not go around the state saying, ‘Businesses have never had it so good’. We do not go around backslapping and opening the French champagne and saying, ‘Businesses have never had it so good and these are joyous times’, because we know that is not the case. On this side of the house we fight for jobs and we fight to reduce the cost of doing business in our state to ensure that businesses have the opportunity to offer more hours to part-time or casual employees and to ensure that ongoing employees have a greater opportunity to secure their jobs.

We do this in a range of ways. One of them is ensuring that we do not waste \$1.3 billion by cancelling a road project that everybody knew we needed, including Infrastructure Australia and Infrastructure Victoria. That now has come back clearly into focus. We do not do that. Secondly, we give confidence to small and medium-sized businesses that overall we will always fight hard to keep their taxes low and to ensure that our government uses their money more effectively and more efficiently and in that way ensures that taxes are as low as they possibly can be.

Running a small and medium-sized business is darn hard work, seven days a week. Many businesses that I have spoken to simply cannot for the life of them believe, as I have said, that this government has destroyed so many jobs with their decision on the east–west link and that this government has foisted record levels of gas and electricity costs onto them and what that has done. It has put businesses out of work, put people out of work, closed businesses, reduced the number of hours that people can work on a part-time or casual basis and massively increased underemployment without a doubt. They cannot believe that and they shake their heads, and quite rightly, but I guess it is no surprise if you have got members of the government singing from the same hymn sheet that businesses have never had it so good. If you have got members of the government cracking open the French champagne, backslapping and saying how good everything is, if that is the case, is it any wonder that this is a government that is a job-killing government, a government that has cost jobs rather than created jobs, a government that has increased insecurity and most importantly a government that has hurt ordinary working Victorians.

Mr McGUIRE (Broadmeadows) (15:23) — Victoria is Australia’s fastest growing state. Driving a AAA-rated economy has provided record investment, surpluses and an unprecedented pipeline of infrastructure to reimagine the city hailed repeatedly as the world’s most livable and to spread the opportunity right throughout our great state. That is the reality, not what we just heard from the opposition. This is what is going on, and in case the member opposite missed it, the Premier has just announced that, after we have waited half a century, a re-elected Victorian Labor government will build the airport rail link.

The member for Mount Waverley is walking out now, having a word about it as he goes out the door. Well, here is the reality: this will create tens of thousands of jobs, and we have got the money there from the commonwealth government. We have finally got a unity ticket to get this done and this work will begin in 2022. That is another big-picture proposition on infrastructure. This adds to the \$11 billion Melbourne Metro Tunnel, which features five underground railway stations.

This is how you actually build a city and build a state, how you create opportunity, how you allow the flow-on effect right through our major provincial cities and right into rural and regional Victoria as well, and that is what this government is doing because it has got the economics right. It is driving the responsible propositions with business, and it is able to say here is how we can put these deals together. Then we have a bill, as we have got before the house today, on local

jobs first. That then draws down the benefit of the big-picture vision that the Andrews Labor government is delivering and makes sure that these jobs and the opportunities for the future go to our businesses and go to the people in our communities. This is really what the Andrews Labor government is about.

It goes back also to a proposition that since 2014 the government has set local content requirements for 88 high-value strategic projects with a combined total value of more than \$55 billion, supporting tens of thousands of local jobs. Through our infrastructure investments alone the government has created 75 000 new jobs. I just want to give the facts because they speak loudest, not the fake news that we have heard from the other side of the chamber and from the last speaker in particular and what he was trying to argue.

It really is about time that the opposition acknowledged that this is the vision and the plan and these are the projects and the infrastructure that will provide the jobs and the new industries that we need right throughout Victoria. I still want to continue to put up the proposition with the federal government as well to try to get a city deal for Melbourne's north and west to deliver on these sorts of propositions. We have the opportunity to do that in the same way as the offer was made to Sydney's west, so all I am calling for is a fair go for these two really important expanding areas to make sure that we can anchor this on the rail link to the Melbourne Airport and also the missing link in the road network to make sure that that happens as well. That is another multibillion-dollar project. These projects are important because they end up fast-tracking priority investments. They help convert the so-called rustbelt areas. We can change them into brain belts and then we can look at how we improve communities and provide access to lifelong learning, skills and jobs, and that is what drives this government. That is what we are about and that is what this piece of legislation brings to the Parliament. This is another piece of the mosaic of how you drive these opportunities for new industries and jobs.

Just to go to the detail, from now on these commitments to local businesses, local apprentices and local jobs will be enacted in law. This is the critical point that the shadow spokesperson seemed to miss, and I want to commend the former Minister for Industry and Employment, the member for Williamstown, and his successor for these initiatives. They have spelt out in detail why this matters, and I hope the opposition does not miss the critical point in all of this. If you look at it, the government committed to creating a bill in response to the clear signal at the Victorian Jobs Partnership in August 2017 that the government reforms to the

Victorian Industry Participation Policy were positive and they could be strengthened through improved legislation. This is how we have got the unity ticket to drive these reforms. It will meet the need for industry certainty across all governments of all political persuasions in the future, so I hope the opposition will be voting in favour of this legislation.

Additionally the bill will create an independent Local Jobs First commissioner whose role will balance advocacy, engagement, facilitation and compliance. The bill will strengthen the government's Local Jobs First — Victorian Industry Participation Policy with a Major Projects Skills Guarantee, and I want to underscore that it will do so by putting these rules into law. The bill will also establish the Local Jobs First commissioner with a responsibility to enforce compliance with our local content commitments. Making sure they are met is the compliance proposition that is always critical. The bill will facilitate opportunities for local businesses, including businesses in the regions, making sure there is a ripple effect so that right throughout the state people and their businesses get the opportunities, and it will advocate for Victorian businesses.

This goes to why Labor governments matter. The bill will mandate that local content requirements must be set for government projects, including the setting of mandated minimum levels of local content for certain types of high-value strategic projects. These include 90 per cent for construction projects and 80 per cent for services projects or maintenance projects, so they are high levels of local content, and that is about driving the jobs and the opportunities. This will make clear that companies winning government contracts need to engage with local businesses and deliver on their local content and job commitments. The bill ensures that business commitments to local content and jobs are recognised and rewarded in the tender evaluation process. How is this going to be done? It is through a 10 per cent weighting for local content and a 10 per cent weighting for jobs. This is a strategy that looks at how we make sure that we can get the right investment in not just our infrastructure but in our people and how we actually have a pipeline of infrastructure and then a way of providing opportunities for the next generation coming through so that they have the new industries and the new jobs of the future.

The bill specifically ensures that a project with a budget of \$1 million or more that is for the benefit of an area that is wholly in rural and regional Victoria must apply the Local Jobs First policy. I want to make sure that the National Party have looked at that detail and do not ignore it, do not have wilful blindness about the

importance and the significance of that for regional and rural Victoria. This is a lower threshold than for metropolitan Melbourne and statewide projects, ensuring the local content and job settings on government projects benefit more regional businesses and workers. That is added to what the Treasurer has done for payroll tax as well for rural and regional Victoria — the best in the state. Also looking at this bill, the commissioner will work to facilitate opportunities for regional businesses on local projects. Currently too many businesses are not getting the opportunity to deliver projects that are in their local areas. The commissioner will be able to facilitate opportunities for Victorian businesses and advocate for them to government.

This again goes to the whole proposition of creating opportunity at a local level right throughout the state. All Victorian government departments and agencies must apply the bill. All contractors must deliver on their commitments to local content and local apprenticeship results. This is a really important step so that the next generation has opportunities. They can see that infrastructure in Victoria in particular is going to be one of the boom industries for the next 20 years, and this is about how you actually get the right skills, get the right training, get the right experience and get the right opportunity in life.

In exceptional circumstances the Minister for Industry and Employment can exempt specific projects prior to tendering. Circumstances that allow such an exemption are detailed in the guidelines, so there is some flexibility there. But I want to go again to the big picture. The Melbourne Metro Tunnel is one of the great projects.

Mr WATT (Burwood) (15:33) — Firstly, I want to touch on a point raised by the member for Broadmeadows in his contribution. He started his contribution, I suppose, talking about some government projects, and one he mentioned was the Melbourne Airport rail link. It is really interesting that of the two major parties, only one has had a commitment to Melbourne Airport rail for the entire period here. Previous to the last election our consistent —

Mr McGuire — Show me the money!

Mr WATT — The member for Broadmeadows says, ‘Show me the money’. We actually budgeted for it. We actually had money in the budget, and it was this government — the Labor government — that actually withdrew the funding and two or three years ago decided to put the kibosh on the project. These guys, being this government, have been Johnny-come-latelies

on this project. They did a bit of a flip-flop. They said, ‘No, we’re not doing it. It’s not our priority. We’re not going to do Melbourne Airport rail’. At the start of their term they actually said no to Melbourne Airport rail. It is only because of the consistent pressure from the Liberal Party and the money from the federal government that the Labor Party have now come on board and have said, ‘If we get elected, we might do it’. I do not know whether we can trust them considering the fact that they said no. Now they are saying, ‘Trust us. If you elect us, we might do it’. But where is the money? There is no money from this government, because they are saying, ‘If we’re elected’.

The budget was only a couple of months ago. Why is there no money in the budget? Why did you not put money in the budget to actually build it if you are so committed to it? I will tell you why you did not — because you are not committed to it, because you canned it a couple of years ago. The member for Broadmeadows can stand here and talk as much as he likes, but what we know is that they were not committed to the Melbourne Airport rail project, and I am not so sure they are committed to it into the future.

One of the other things he talked about was the government and their commitment to business and jobs. Well, I call ‘Tish’. The member for Mount Waverley actually raised some very good points. You have got the Treasurer here talking about how business has never had it so good. I do not know whether the members opposite understand that businesses do not feel as though they have got it so good. If I go to my electorate and I walk down, say, Burwood Highway, which is where my office is, you do not have to go too far before you see empty shops. The fish and chip shop has closed recently. A hairdresser has closed recently. Business does not agree with this government that they have never had it so good in Victoria. When you triple brown coal royalties and the wholesale price of electricity goes up by 85 per cent, you would think that the members opposite might see a correlation. But no, they bury their heads in the sand and say, ‘Nothing to see here — not us. Business has never had it so good’. Yet when it comes to taxes, before the last election the then opposition leader, now Premier, made it very clear: no new taxes and no increases in taxes. Well, 12 new taxes or increased taxes later, I do not think business believes them. I do not think business can trust them. Triple the brown coal royalties, introduce new Uber and taxi fares. I do not think the taxi businesses that have been put out of business by this government — many lives have been devastated by this government — think that business has never had it so good.

The constituents who come and see me and talk to me about how their lives have been devastated by the actions of this government that said they would be better off and then devastated them because of the changes that have been made. I do not think these taxi businesses are saying that they have never had it so good. The government has increased stamp duty on new cars and introduced a new so-called vacant home tax, annual valuations on property to increase land tax, stamp duty on property transfer between spouses and a new stamp duty on off-the-plan purchases. I am not sure whether those opposite understand that when you increase taxes on property owners, property owners do not absorb that. They pass it on to renters, many of those renters being businesses.

The businesses suffer, and, as I say, you just have to go down Burwood Highway and Toorak Road in my electorate to see that the old Balloons Parties Hire is now empty. It is now vacant. As I said, the fish and chip shop next door is empty. Across the road, the hairdresser has now gone. These businesses have been put out of business by the actions of the Labor government. You guys are in government, and you need to start taking responsibility for your actions. Increases in taxes and increases in red tape make it difficult for businesses to survive. The government needs to start taking some responsibility for that.

If you look at, say, the unemployment rate going up while in New South Wales the unemployment rate is going down — Victoria has a higher unemployment rate than the average across the country — Labor is not good for business. My businesses certainly understand that. We talk about a new point of consumption on gambling tax, an increased fire services property levy, a new land tax surcharge for absentee owners — which, once again, has been tripled — and a new stamp duty surcharge for foreign purchases. With foreign purchases, when somebody buys a property, much of that property does not sit idle. It actually gets rented out. What happens when you rent out property and you have got increased taxes and charges is that you increase rents. It is pretty obvious, but we have got a government that does not understand that. We have got a government that does not understand business. If you own a business or you run a business, put your hand up because I am happy to hear it. I do not see anybody here putting up their hands. The member for Bayswater has put up her hand, as has the member for Caulfield. I will put my hand up myself as the member for Burwood. The member for South Barwon is in the chamber. There is one common denominator between all of these members: they are all members of the Liberal Party, who understand what it is like and the struggles that small businesses have to go

through and the difficulty that business has when we have a Labor government.

If you look at, say, the east–west link, I used to have a business that actually required me to use the roads. I have travelled the Eastern Freeway many times at a standstill. We have got a minister who does not think it is a problem that we have got cars parked in the middle of a freeway because of the congestion. Many times I had to use that road, and many times I was held up by traffic. I was a business owner who had to use the road. As somebody who serviced households, I could not put my equipment on a tram or a train. Public transport is great, and I already said that we were committed to the Melbourne rail link well before the current government was. We have had a steadfast commitment to that project for a long time — something that the Labor government has not had — but you cannot put trade tools on a tram. You actually need to have a decent road to get people around. That is why we have committed to the north-east link and east–west link. We are committed to getting people moving on the road.

This government, however, are committed to increasing tolls on CityLink and increasing tolls for the people of Burwood for a road that they may never use. When I was running my business, while I used the Eastern Freeway and I would have used the east–west link, I am not sure that I would have actually used the government's western distributor. But I know that under this government, had I been running my business, I would have been paying for it for an extra 15 years when using the Monash Freeway. I would have been paying for a road in the western suburbs that I would probably never use. It is really interesting that this government does not seem to understand that the pressures that are put on business by the actions of this government actually mean that businesses are struggling. That is why when you go down through my electorate you see many empty shops. You see businesses that have gone out of business under this Premier and this Treasurer, who say businesses have never had it so good.

We on this side understand that businesses are struggling, and we look forward to the election so we can show people that there is a better way. That better way will be a Liberal government under the Leader of the Opposition. We can get rid of the Labor Premier and actually put in place policies that will help businesses and help people get jobs.

Ms GREEN (Yan Yean) (15:43) — I am pleased to be able to join the debate, but goodness me, the poor people of Burwood. I despair. I am delighted to be joining the debate on the Victorian Industry Participation

Policy (Local Jobs First) Amendment Bill 2018. You could only have Liberal Party members that could argue against a policy that says putting local jobs first is a good thing. Only the Liberal Party could do that. I hope that the good people of Victoria remember that in November at the election.

I had the privilege of having year 8 students from Mernda Central College visit me here today in the Parliament. They visited both chambers, and then we had a good yarn in the Federation Room. They asked me what we would be debating this week. I talked to them about this bill, and I asked them what they thought it would mean. I talked about how we had targets in our major projects currently to have local participation in contracts. I asked them why they thought this would be a good thing, and they said, 'It means local jobs. It means training for young people. It means giving young people a go, because you can't actually get a job if you haven't actually got the experience'. That is the treadmill that so many young people are on. It is seriously something that those opposite do not understand.

In listening to previous speakers from the other side on this, you really would think you were in a parallel universe. They are trying to talk down Victoria's economy and say that it is not doing well. I really think some of these people would leave Donald Trump for dead with the fake news that has come out from that side. What they cannot escape, as much they would like to use fake news, is that our record since we have been in government — since November 2014, so three and a half years — is that we have created 341 200 jobs. That is in three and a half years, compared to their record of 96 100 jobs over four years. We created 108 200 in our first 12 months compared to 15 800 in their first year. We have created 60 100 jobs over the last 12 months, and we have been leading the nation in creating new jobs.

This has not happened by accident; we have actually planned it. In opposition we worked hard on policy, and we said that we would create 100 000 jobs. We have gone well beyond that. This policy — this bill that is before the house — comes from the industry summit that we had last year. We have not just dreamed it up. We had it at the Melbourne Polytechnic Greensborough campus — the TAFE campus that was closed by those opposite. Only a Liberal government would create a TAFE crisis and then shut down a TAFE campus in the middle of a skills shortage and in the middle of a population boom. This is the exact opposite. We have taken the advice from industry who attended the Premier's job summit held in Greensborough, held in the suburbs and held with industry, and we heard from the manufacturing industry. We heard from rail and

tram manufacturers, and we heard from bus manufacturers. We are going to consistently back Victorian jobs first and back Victorian industry first.

It is a parallel universe — a flat earth society — across the other side of the chamber. We have not added costs to business; we have cut costs to business. We have lifted the threshold for payroll tax. We have halved it — 50 per cent — in regional Victoria. We do not just talk about decentralisation. We not only invest in projects that will benefit regional Victoria in regional Victoria; we have actively created the environment. Why would you not invest outside metropolitan Melbourne at the moment with a 50 per cent payroll tax reduction?

In addition to this, we are legislating. Since 2014 we have set local content requirements through our Local Jobs First Victorian Industry Participation Policy on 88 strategic projects with a total value of \$55 billion. Those opposite cannot say that that is bad for Victorian business. It has provided opportunities for hundreds of Victorian businesses and created tens of thousands of local jobs. In their four years the Liberals only managed eight strategic projects; that is only two a year. We have done 22 a year — 20 more each year. They sent our economy to sleep, and if they got back in they would do it again.

We have created around 3500 opportunities for local apprentices, trainees and cadets, with almost 1000 on the job already, thanks to our Major Projects Skills Guarantee. I know that on the Mernda rail project we have had numerous young people get their first go at a job on a really magnificent job that has changed the way rail extensions and level crossing removals are being done across this state, and it is being delivered six months ahead of schedule.

When I spoke to the year 8 students from Mernda Central College in the Federation Room earlier, they absolutely understood this and their eyes lit up at the idea that they could get experience in projects like this. When we announced that we would be doing that on the Mernda rail project, I was visiting preapprenticeship students at Whittlesea Secondary College. One student's dad was already employed with John Holland and lived in Doreen, and he said, 'I am going to be working on that project'. For those young teenagers, boys and girls, the idea that they can work on a project of such significance for their local community and get that experience is just absolutely life-changing.

We will not step back from what we are doing to grow the Victorian economy and to insist on local content first. I am proud that we have actually done it on projects like Mernda rail. The Mernda rail project has not just been good for the local economy in the

northern suburbs but it has generated jobs as far away as Echuca, where some of the formwork has been done. Kilmore has had a huge boom in the township because all the overhead beams for the 14 per cent of the Mernda rail extension project that is above ground have all been done in Kilmore. Those beams are also going into projects on the Frankston line and on the Dandenong line. It has been a jobs project that has improved the whole state.

I was in Ararat handing over a grant to a shooting club there when the president said to me, 'Look, I've got to go; I'm actually working in Bentleigh on the level crossing removal project there'. So all over the state this government has ensured that more Victorians are in work, and they are in good-quality, long-term jobs. This bill before the house is a long-term investment in the future of Victorian-grown jobs, in skilled jobs and in supporting local businesses to have an ongoing pipeline.

In the preceding four years we saw all the constructors, the engineers and the quantity surveyors going interstate for work because nothing was happening here. Now they are back. We are not going to stop the pipeline of projects. We are going to continue to build the Mernda rail, we are going to do the airport rail link and we are doing Melbourne Metro rail, which is already six months ahead of schedule. Importantly, in doing those projects we are not going to leave any Victorian behind. We are going to make sure that the majority of people that get jobs on those projects are employees and homegrown businesses, and it is investment in training in the future.

We will never step away from that. I would really be interested to see what the National Party says. I have read recent comments from Darren Chester saying how good the local content in the Gippsland rail project is. I hope that the National Party members in this place can actually stand up, like Darren Chester does, for local jobs in their area, because the Liberal Party certainly will not.

Mr SOUTHWICK (Caulfield) (15:53) — I rise to make some comments on the bill before us, the Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018. I wanted to start with a quote, which reads something like this:

Now I know that government doesn't create every job. It doesn't even create most jobs. You out there in the private sector do that.

Who do you think would be saying something like that? I ask colleagues from the Labor Party and those opposite: who would say something like that, that it is the private sector that creates jobs? It was none other than their leader, the Premier, who said that.

It is quite ironic where we have members of this Parliament, including the member for Yan Yean who stood up today and said, 'We have created 340 000 jobs', reeling out all these numbers of jobs that the government has created but failing to understand that it is certainly the government's role in terms of policy to encourage investment in this state but it is not the government that creates these jobs. It is the private sector that creates these jobs. When there is a lack of certainty and when a government puts ideology above investment, then unfortunately you will find a situation like we have in Victoria where we have businesses that are not investing, jobs that are not being created and a manufacturing industry that is certainly really suffering at the moment. Businesses in regional Victoria are absolutely suffering. The 12 taxes that have been introduced by the Andrews government are the reason why there is that uncertainty.

In the areas that I have responsibility for, energy and resources, we have seen an absolute smashing of those industries by this government. We have seen taxation increases by this government. We have seen the tripling of the coal tax. We keep reminding this government, and we will keep reminding this government and all Victorians, of a policy that led to the final nail being put in the coffin of Hazelwood power station: an announcement was made and within five months a power station closed and 22 per cent of energy was taken out of the market. At that time the Premier said, after doing some modelling, that this will cost taxpayers hardly anything — 4 cents, 85 cents a week, absolutely no issue at all. Since the closure of that power station on 31 March we have seen a massive number of businesses struggle to cope. We have seen households struggle to cope. We have seen an increase at the wholesale level of some 85 per cent in power prices.

Those manufacturing businesses are suffering. We see it as very, very important that Victoria has a vision for jobs that includes manufacturing and that includes industry, that it is not just a service state and not just a state that relies on tourism and education, which are important, but a state that encourages investment in a whole range of different sectors. We are not seeing that now because we have seen a government that is focused on ideology versus jobs.

Honourable members interjecting.

Mr SOUTHWICK — Certainly when it comes to energy — and members of the government can shout and scream all they like — realistically you only have to visit any part of Victoria to see that businesses are suffering and are paying more for their energy costs than they ever have before. We know that businesses

are then faced with decisions when their energy costs, which used to be the third or fourth highest cost beyond wages, are now the second highest cost in many businesses beyond wages. Many of those businesses need to decide whether they put up their prices or they reduce jobs and do not grow. Unfortunately many of these businesses cannot put up their prices, so they do not employ people. That is why we think an energy policy that encourages affordability, encourages investment and certainly ensures that we have a future for manufacturing in this state is very, very important.

Gas is in the same situation. We have seen a moratorium on gas in the state. There has been a huge increase in gas prices since this government was put in power. That has effects right across the board — in agriculture, in dairy, in the chemicals industry. We have seen effects in everything. We have seen the effects in terms of gas being used as a substitute for electricity, because we have metered gas to supplement power. Important feedstock is costing so much now because unfortunately the uncertainty is there because gas has been locked up in Victoria. We have said that we will unlock that gas for conventional onshore exploration while maintaining a ban on fracking to ensure we get supply to the market and create those jobs. Victoria for centuries has been the home of affordable power. Many businesses are located here because we were the home of affordable power. What we want to return back to this state is affordable power to encourage investment in both gas and electricity, which this government has completely surrendered to some of the other states.

We have also seen it in the likes of investment in property and in construction. Look at the property industry and the new taxes in property that have caused a huge downturn of investment in the construction and property industry and look at the likes of the off-the-plan savings that were had for investment or the foreign investment taxes that have been put in place. They have meant that a lot of the big construction projects are now delayed or are now not going to be proceeding. The construction industry is a massive creator of jobs, of local jobs, that are threatened, and this government has no plan for that into the future and no plan in terms of what it is going to do. You only have to talk to many of the property developers and many in the construction industry, and you will see there is a huge issue.

On the flip side the government have announced some construction jobs in terms of dealing with roads and dealing with transport, but many of those materials are being locked up and are not being made available, like cement and aggregates in the resources game. They have been locked up, causing additional price increases

on many of these projects. We know just the transportation for these projects can be 20 or 25 per cent of the total cost. You are seeing for the kind of basic rock that we have an abundant supply of in the ground here in Victoria people looking for an alternative supplier because they cannot get it out of the ground. The government has done inquiries and the government has done reviews, but we are still waiting for any action on this. Again, what that does is put up prices and put pressure on the construction industry, and ultimately it does nothing for jobs.

I just want to return to the Latrobe Valley, where on top of the Hazelwood closure, which affected every single Victorian in the cost of energy, we have some 600 local jobs and indirect jobs of about 300 — 1000 jobs in total — that have been lost. The government has created the Latrobe Valley Authority and has tried to come up with a whole lot of jobs, but many of those are temporary jobs. Many of those jobs are not going to replace engineering jobs. They have no real future in terms of driving down prices and encouraging investment that is absolutely important and certain.

When I look around my electorate of Caulfield I see just how many retail outlets are struggling at the moment and how many empty shops we have. You can look through Elsternwick, Glen Huntly and Caulfield South. Just recently we took a tour on Glen Huntly Road in Caulfield South, and some 15 or 20 stores, probably representing 40 per cent of 50 per cent of stores, are empty. Even the local Brumby's on the corner of Hawthorn Road and Glen Huntly Road was closed. It has been there for many, many years. Again, these are all issues that businesses are facing because of the uncertainty and because of some of the costs of doing business, and this government is doing nothing in terms of policy to encourage that investment. That is where I want to end — where I started.

Importantly — and even the Premier has made this comment before — it is not the government that creates jobs; the private sector creates jobs. We know it on this side because many of us have employed people and made the sacrifices to do that and have been very, very focused on creating jobs and creating opportunities because we believe that is the right thing to do. But ultimately if you come from an ideology where you think you create every job in town, then it is not sustainable and you do not look at investment and you do not look at the private sector and you do not look at those jobs that really count and that put food on the table for all Victorians.

Ms WILLIAMS (Dandenong) (16:03) — It is my pleasure to rise in support of the Victorian Industry

Participation Policy (Local Jobs First) Amendment Bill 2018. This bill goes to an issue of enormous importance and significance to the industrial community in my electorate and to all those who they employ, and that is the issue of government procurement and the need to prioritise local businesses and maximise job creation right here in Victoria. It is significant because, as I have said many times in this place, the Dandenong region is home to the largest manufacturing precinct in the country, and these businesses that form part of that precinct and their workers stand to gain substantially if governments get their procurement settings right.

All of us in this place know that government is a major purchaser of goods and also of services and is of course a major driver of infrastructure in our economy. On this side of the house we fundamentally believe that we should use the government's purchasing power to support local industry and local jobs, and we have acted in accordance with this belief consistently since we came to government almost four years ago. All of us in here, even those opposite, know that under this government Victoria has the best government procurement and local content policies in the country, but we know there is always more that can be done, and on this side of the house we are not afraid to do it.

That is why this bill is before the house today. The Andrews government wants to ensure that our investments achieve the maximum possible benefit. That goes beyond just best price, although I will come to explaining why that is still very important. It also goes to how we support local businesses, how we create local jobs and how we provide training opportunities that upskill our local workforce. Since 2014 we have set minimum local content requirements across 88 strategic projects with a total value of \$55 billion. To be clear, that is 88 projects that have attracted local content requirements. This has of course provided significant opportunities for businesses through the supply chain and has resulted in significant job creation in our state.

Members of the public may not know whether 88 projects in and of themselves is a lot of projects for a government. In order to give some context to that, I should mention that the former Liberal government only managed eight strategic projects in their four years — so eight versus 88 — and that difference in activity level is reflected across all portfolio areas, as we know. Among these 88 projects are many that most Victorians would recognise, such as the Melbourne Metro rail project, the West Gate Tunnel project, the Caulfield to Dandenong project — that is, the removal of the nine level crossings between Caulfield and

Dandenong, which is a project that has been phenomenally well received in my community — and of course there are many other projects to add to that list as well.

Further government achievements include our Major Project Skills Guarantee, which has created 3500 opportunities for local apprentices, trainees and cadets, with almost 1000 on the job already. It is also worth pointing out that Victoria now has the lowest unemployment rate in over six years and one which is also under the national average. Employment in this state has increased, as we have heard from other speakers, by 347 000 people since November 2014, the highest of all Australian states. This is in no small part due to the policies of this government. The previous speaker was at pains to say that government should not take responsibility for job creation, and my view differs from that. While it is overwhelmingly the private sector that employs people, government settings actually make a substantial and tangible difference to the ability of businesses to be able to employ. In that sense the policy settings that this government has put in place have absolutely encouraged businesses across Victoria to employ more people, and they have certainly provided more opportunities for more Victorians to get training opportunities that will in turn lead them to work opportunities.

In total our infrastructure projects will create about 75 000 new jobs, and the bill before us today is really the next step in that story. It puts our commitment to local jobs into law. It will mandate our commitment to local jobs and to local apprenticeships — our commitment to local businesses essentially. This is exactly how it should be. Victorian taxpayers should be confident that their taxes are being used in a way that benefits to the maximum extent possible their local communities, and this bill works to do just that. The bill also establishes a Local Jobs First commissioner to enforce the laws that are enshrined in its pages, but the commissioner will also play a role in facilitating more opportunities for businesses as well.

Compliance is an issue that my local industry have spoken to me about fairly regularly over the last few years. They have been extremely positive about our local content initiatives but they want to ensure that these targets are in fact met and that compliance requirements are robust. I think that is a reasonable ask.

By way of a bit of background, the Victorian Industry Participation Policy Act 2003 is the longest standing procurement legislation in the nation, and there have been a number of reforms made to it since it was originally passed in this place. Presently VIPP — the

Victorian Industry Participation Policy — as we call it, requires government departments and agencies to consider competitive local small and medium enterprises when awarding contracts valued at \$1 million or more in regional Victoria or \$3 million or more in metropolitan Melbourne. Strategic project status is automatically applied to all projects valued at \$50 million or more or as otherwise agreed by the government.

VIPP strategic projects have minimum local content requirements and other conditions that are determined by government on a case-by-case basis, including, for example, as we have seen with many of our projects in this term of government, requirements around local steel content. Minimum local content requirements are not plucked out of thin air, you will be pleased to know, but rather determined on a case-by-case basis and informed by a contestability assessment by the Industry Capability Network, better known as ICN. Under this system bidders must deliver and submit a local industry development plan as part of the tender process. This is essentially a detailed plan that outlines the bidder's commitment to address local content requirements and job commitments and also outlines how these commitments will be met, which is incredibly important, particularly when it comes to rigorous assessment and of course to enforcement. By and large the VIPP scheme has worked fairly well, but I think it is fair to say that it needs to be updated and strengthened. There is no better way of strengthening our commitments than enshrining them in law and building a mechanism for enforcement and through this providing certainty for industry and confidence about the government's investments long into the future.

The bill before us today mandates that local content requirements must be set for government projects, including mandated minimum levels of local content for certain types of high-value strategic projects, including 90 per cent for construction projects or 80 per cent for services projects or maintenance projects. This means that companies that win government contracts need to engage with local businesses and deliver on their local content and job commitments. For many of the businesses in my community that is really the important component. It is making sure that when larger companies win big contracts they are, for want of a better term, forced to turn an eye to local supply chain opportunities in order to fulfil those contracts and therefore ensure that that investment from the state government really does have a flow-through benefit across our economy and our workforce.

Under the bill this commitment to local content and jobs is recognised and rewarded under the tender

evaluation process, which gives a 10 per cent weighting for local content and a 10 per cent weighting for jobs. The scheme will apply to all Victorian government departments and agencies, and all contractors must deliver on their commitments for local content and local apprentice outcomes. Basically if it is in their local industry development plan, the new commissioner has the power to enforce it, and that is exactly how it should be. For those who are worried about whether this will have implications for the cost of projects, it is important to note that, as I alluded to earlier, value for money will still be a primary consideration in government procurement and purchasing. This is something that does not change irrespective of the reforms included in this legislation.

Apart from supporting local industry and local jobs, our Local Jobs First policies and this bill will work to ensure that local businesses remain well skilled and competitive. That really is a by-product of this policy setting. It is not just about the immediate impacts but also about how we set up and develop our industry long into the future so that it is sustainable and competitive, hopefully not only domestically but also internationally. This is about building a robust business community in our state and ensuring that it continues to employ people and provide upskilling opportunities for workers in our state.

Going to that issue of skilling workers, it is really important that we incentivise the skilling up of workers to ensure that they are also meeting the demands of the market and to ensure that we are meeting gaps in our skills market as well. All of these are very important outcomes and policy drivers. I commend the minister, and I commend the bill to the house.

Ms COUZENS (Geelong) (16:13) — I am pleased to rise to speak on the Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018. This bill is very welcome in my community of Geelong. I want to begin by congratulating and thanking the minister and the previous minister for the work that they have done on this very significant bill, not only for metropolitan regions but also for regional Victoria, and for their commitment to jobs, particularly for young people.

This is significant for my electorate because those opposite, as we know, were there when Ford announced its closure. Ford provided many jobs in my electorate of Geelong, and those opposite did nothing at a federal and state level. They did nothing; they just watched those jobs drift away not just from my community but from many other communities across the state.

This bill will amend the title of the legislation from the Victorian Industry Participation Policy Act 2003 to the Local Jobs First Act 2003. It will legislate the Local Jobs First Victorian Industry Participation Policy objectives by outlining the requirements for standards on strategic projects, including the requirements for minimum local content on certain projects. It will provide the minister with powers to maximise the use of certain content on a project-by-project basis. It will legislate the Major Projects Skills Guarantee so that a minimum of 10 per cent of estimated hours worked on major projects are conducted by local apprentices, trainees or cadets. It will require agencies to evaluate industry development and job outcomes when awarding tenders for contract. The bill will also see the establishment of the Local Jobs First commissioner with a series of functions including facilitating opportunities for local businesses. I know that my local community of Geelong will be very happy to know that there will be a commissioner in place who can provide further resources and support to ensure that they have those opportunities.

There are already many great infrastructure projects underway in Geelong. Things like the new Geelong tech school, the revitalising Geelong project, Kardinia Park stadium, major upgrades to the Gordon TAFE, new schools, major upgrades to many schools and the WorkSafe building are all creating jobs in my community. Let us not forget the 30 free TAFE courses which will meet skills demands as these jobs grow throughout my community. This is a huge boost for the people of Geelong; and in particular, as we have heard here today, for many young people who want to see that they have future employment, skills and training in Geelong that they can look forward to.

We have also committed to major infrastructure projects such as the extension of Barwon Prison, the women and children's hospital at Barwon Health, school upgrades and the Geelong convention centre. However, we are still waiting on the Turnbull federal Liberal government to commit their share of the city deal. This state government — the Andrews government — has committed \$153 million to progress the city deal in Geelong; however, the Turnbull Liberal government is dragging behind and although they initially agreed to the city deal, they have not come up with the dollars. This is becoming a real concern in Geelong, and I note the Premier mentioned in the *Geelong Advertiser* on Friday that it was time for the federal government to put their money on the table so we can have these fantastic infrastructure projects started in Geelong. They will then fall under this legislation, which will be just great for Geelong.

The bill goes a long way to supporting local businesses and local workers directly and will have a great follow-on effect for small, medium and large businesses in the Geelong community. I know that the Geelong Chamber of Commerce are particularly happy that we are moving on this bill. They have called for local procurement and local issues to be addressed when it comes to government infrastructure projects, local government and other government instrumentalities that do have those big contracts that we could be using our own local businesses for. I know that they will be very happy about this legislation. I know that our unions will be happy. This is something they have been asking for for a long time as well so their members get employment and jobs within the Geelong community.

For the local manufacturing industry this will present many opportunities for businesses like Backwell IXL and MHG which were affected by the closure of the likes of Ford, Holden and Toyota. For them this opens up a whole new opportunity. Again, it will support workers that are already there but it will also support workers into the future, as I said, in particular young people. If we look at what is in the bill, there is also the opportunity around clothing, apparel, work clothes that many of our industries — our emergency workers, for example — rely on. We have got Geelong Textiles, who commission weavers and do specific fabrics, and we have got Godfrey Hirst, who make commercial carpets, all of whom should have an opportunity to put in their bids for this sort of work and as local businesses should get those opportunities which will keep their workers there but will also grow jobs.

I know that there are many other areas across Victoria. We have the Victorian supply chain. Stewart & Heaton do ambulance uniforms, fire services uniforms and various equipment. In Wangaratta there is Australian Textile Mills making Australian-made fabrics for defence and fire services. In Bendigo Australian Defence Apparel has highly skilled employees doing complex garments for defence, fire and emergency services, ballistic vests and government uniforms. Hellweg International in Bayswater are doing ballistic vests. Humphrey Law in Heathmont are doing work socks, work wear and medical-type wear. All those companies and businesses should be able to have great opportunities as an outcome of this bill.

All of these workplaces have the capacity to create real full-time jobs, and that is what we hope they will be able to do under this legislation. Under Local Jobs First tenderers for projects worth \$3 million and over in metropolitan Melbourne and \$1 million in regional Victoria are required to outline the expected content of

the project that will be sourced locally. I am particularly pleased, and I know my community will be pleased, that it is projects over \$1 million that will fall under this bill. To have \$3 million in metropolitan Melbourne is fine, but I think in regional Victoria this is a great opportunity to have smaller projects that will attract that local procurement, which will be particularly good for areas such as Geelong, Bendigo, Ballarat and those sorts of regional centres.

The bill also includes a government mandate that on projects worth over \$20 million local trainees, apprentices and cadets be used for at least 10 per cent of all hours of work on those projects. That is great for my community. I know that with the extension to the Barwon Prison, potentially the convention centre in Geelong and a number of other big projects, like Kardinia Park Stadium, we are talking about projects of \$100 million plus that would come under this and would ensure that there are traineeships and apprenticeships as a result. They could use the 30 free courses that would be available at the Gordon TAFE. For my community this is a very welcome piece of legislation, and I commend the bill to the house

Mr J. BULL (Sunbury) (16:23) — I am also very pleased to have the opportunity to speak on the Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018. Before I go to the heart of the bill, I did hear a member from the other side earlier describe this government as a jobs-killing government. No doubt, Acting Speaker, both you and I have heard some things in our time, but I have to say that that was an outrageous statement. I understand the making of a political point and I understand the theatre of the chamber, but I ask members to not come into this chamber and make things up.

As I travel around my electorate and meet with industry leaders, with construction teams and with the hardworking men and women who are doing fantastic things in all of our communities, one thing is clear: people want and deserve a government that is committed to getting things done and is committed to delivering record infrastructure to make our state better, stronger, more prosperous and smarter. It is clear that peak bodies, industry leaders and hardworking men and women of this state see this investment happening each and every day with the jobs that are being created and that are moving the state forward. What we know is that we are the fastest growing state in the nation. More and more people want to move to Victoria each and every year, and we need a program of infrastructure, a program of delivery and a pipeline of projects that move the state forward, that cater for our increasing population and also create a record number of jobs.

I recall a conversation that I had some months ago with a local business in my community — the managers and owners of the local quarry. What these people told me was that in years gone by they would often have an opportunity to bid into a local government project. They might have been successful in that bid or they might not. They would then structure much of their business around whether that bid was successful or not. What they pointed out to me was that in the time since this government has been in office they have had the opportunity to bid into three, four or five projects each and every year. What that goes to show is that there is an incredible amount of confidence out there. There is an incredible amount of support for the projects that this government is delivering. There are opportunities for businesses, like this local business in my electorate, to be able to put on more people and create more jobs on the back of significant investment and on the back of all the key infrastructure projects that have been mentioned this afternoon by members on this side of the house.

We know that significant projects have been created and they will continue to create jobs. In my electorate and in electorates right across the state we know that these infrastructure projects help to upskill people, help people pay their bills and help them contribute to society. This government will never stop investing in these projects to ensure that we move forward as a state. We on this side of the house stand for getting things done. Whilst others talk, we do. You need to look no further than Sunday — and I heard a number of members discuss Sunday's announcement — when the announcement of the airport rail link was made. That is a project that will transform the state, deal with the fast-growing patronage of Melbourne Airport and provide further opportunities for fast rail from our fantastic regions.

It is always a Labor government that delivers these projects, whether it is Melbourne Metro, removing the level crossings right across the state, building the north-east link, building the West Gate tunnel or upgrading our arterial and suburban roads, projects that are incredibly important to my electorate and electorates in the north-west. These projects are massive job creators and they do all of the wonderful things that I mentioned earlier in my contribution. The projects provide the skills and the opportunities that people need in their day-to-day lives.

It is worth noting, and I have heard other members discuss this in their contributions, that some of the really important skills that are created on some of these projects, whether it is level crossing removals or the like, are transferable. There may be an opportunity for someone to pick up a certain skill set. They may want to

travel, they might want to move away to work on another project somewhere else or they might use the skills that they have right here in Victoria, their home state. That is incredibly important. With all of this growth and investment, we must ensure that locals come first and that locals benefit from these jobs. That is why this bill, this piece of legislation, is very important.

The Victorian Industry Participation Policy Act 2003 is the longest standing in the nation. This government committed to creating a bill in response to the clear signal at the Victorian Jobs Partnership of August 2017 that government reforms to the Victorian Industry Participation Policy in 2016 were positive and could be strengthened through improved legislation. It will meet the need for industry certainty across all governments. Additionally the bill will create an independent Local Jobs First commissioner, whose role will be to balance advocacy, engagement, facilitation and compliance.

The bill will strengthen the government's Local Jobs First — Victorian Industry Participation Policy and the Major Projects Skills Guarantee by putting these rules into law. From now on, these commitments to local businesses, local apprentices and local jobs will be law. We know the importance of ensuring that this is enshrined in legislation in order to be able to make sure that all of the benefits that I have discussed earlier on in my contribution are then transferred to those who not only need it the most but deserve it the most. This provides certainty for industry and confidence in the Victorian people about government investments.

In the time that I have got remaining I do want to discuss confidence and state confidence. The bill will also establish a Local Jobs First commissioner, which I have mentioned, with the responsibility to enforce compliance with our local content. What we know is that the bill will mandate the local content requirements that must be set for government projects, including setting mandated minimum levels of local content for certain types of high-value strategic projects, including 90 per cent for construction projects and 80 per cent for a services project or a maintenance project. This will send a clear message to companies winning government contracts that they need to engage with local businesses.

Acting Speaker Couzens, I listened to your contribution, and I know that you know the importance of ensuring that local businesses have confidence in the government — the confidence to bid and the confidence to spend the time, effort, energy and money that it takes to put up a bid, knowing that if they are successful in being the winning bidder that this then leads to a growth in their business and of course the

creation of more jobs. The bill enshrines that business commits to local content and that jobs are recognised and rewarded in the tender evaluation process through a 10 per cent weighting for local content and a 10 per cent weighting for jobs.

This government understands the power of investment. We understand the power of using all of those levers of government to create jobs and invest in infrastructure and services and that this creates confidence. Confidence is the key — confidence in government, in business, in opportunity, in new skills and of course in each other. This is a great state. It is a state made up of wonderful people — from the centre of the CBD to the outskirts of Shepparton. Each and every Victorian deserves the chance and the opportunity to get a job. This government backs Victorian jobs and it backs each and every Victorian. I commend the minister and his department. This is a critical piece of legislation that ensures Victorian jobs stay here. I commend the bill to the house.

Ms KILKENNY (Carrum) (16:33) — What a great Labor government bill the Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018 is. I think the new title really captures what we are seeking to achieve and what we in government are absolutely committed to, and that is local jobs first. That is exactly what the Andrews Labor government is doing. This is no snappy tagline; we will leave the snappy taglines to those opposite. We are unashamedly about strengthening our economy, supporting Victorian businesses and industry, and growing jobs — local jobs, jobs for Victorians — and for us this is an absolute top priority.

I would also like to acknowledge the work of the Minister for Industry and Employment and the former minister, the member for Williamstown. Local Jobs First is Labor policy. This is a Labor value to the core, and I could not be prouder standing here today to contribute to this bill. We are seeing results. As we have heard, since 2014 our Victorian economy has grown by almost 350 000 new jobs. That is fact. Whichever way those opposite try to spin it, the fact is that the Andrews Labor government is delivering on jobs — thousands and thousands of them.

The infrastructure program which the Andrews Labor government has put into place — a massive pipeline of works which is seeing the removal of 50 level crossings, the Melbourne Metro rail tunnel, upgrades to schools, new and upgraded roads, and new and upgraded hospitals — accounts for more than 75 000 jobs. That is an extraordinary achievement, but of course we are not finished yet. As a major purchaser of goods and services in Victoria we the Andrews

Labor government want to make sure that our investments support local industry and local business, that we are identifying the skills we need, that we create those important and strategic training opportunities and of course that we help to create jobs, with the ultimate aim being to set Victoria up for a prosperous, inclusive and very positive future.

Now it is time that our legislation is updated to reflect the important steps that we have taken and, importantly, to make sure that we continue to build on all the work that we have done so far, particularly with regard to our local content policies, because we know the risk, the threat, is very real and that those opposite are not serious about local jobs; they are not serious about local content. The bill before us is about just that. This is about providing commitment and certainty to Victorian businesses, to industry and to all industry participants. We are enshrining in legislation this commitment. We are making it law. Our policy — our commitment to local jobs, to local industry, to local business — will be law, and it does not get much more certain than that.

So what are these laws? Well, we are putting into law the requirements for standard and strategic projects in Victoria to include specified and mandated requirements for minimum local content on certain projects. We are making it law that at least 10 per cent of workers on major Victorian projects must be local apprentices, trainees or cadets. We are doing this because we recognise the value of supporting our local businesses and industry and we recognise the value of our people.

It is really important to note that the role of government is about getting that balance right — finding the policy setting that is going to maximise job creation and maximise support for our local industry and local business. We believe in putting local jobs and local businesses first. This is all about stimulating the economy and recognising the incredible potential we have here in Victoria — from the best local businesses to the best industry to world leaders. It is about recognising future needs and creating those pipelines of work and those strategic projects. It is about making sure that we have got the right skills and training to be able to deliver those projects. That means supporting our TAFEs. It is about making sure that no-one misses out on these opportunities, and of course it is about striving to keep our economy strong, buoyant and confident. This is ultimately about investing in Victoria's future.

This bill sends a very clear message about the Andrews Labor government and the commitment we have to local industry and to local jobs, unlike those opposite.

Those opposite we know will not stand up for Victorians or Victorian jobs. Those opposite are quite content to send train-building projects offshore. Those opposite managed to secure just eight strategic projects in their four years in government. They did a great disservice to the people of Victoria, and we will certainly not let them forget that.

Under Labor the economy is booming here in Victoria and it is set to boom even more. The most recent June quarter business outlook released by Deloitte Access Economics predicts above-trend growth of 3.7 per cent in gross state product for the 2018–19 financial year. This would be the strongest growth rate in Victoria since 2005. This is an extraordinary result. Victoria's unemployment is forecast to fall to 5 per cent in 2018–19 and 2019–20 and the employment forecast is set to increase by 1.9 per cent and 1.4 per cent in those years respectively.

Since 2014 our economy has been the fastest growing economy in the nation, adding an estimated \$48 billion in real terms to the economy, and we should all be very proud of this achievement. I think it reflects a very concerted and very focused effort by this government to drive investment through our history-making infrastructure projects — with the creation of thousands and thousands of jobs and opportunities for all Victorians right across the state, from the inner city to the metro and to the regions — and through our policies and strategies to put local jobs first.

The act which this bill seeks to amend was passed almost 15 years ago. It enabled the government to implement the Victorian Industry Participation Policy (VIPP). This was established to promote local employment and grow local businesses by expanding market opportunities for local industry, providing contractors with better access to local industry, helping local industry identify world's best practice and developing international competitiveness in changing global markets. They are all very worthwhile things and all very important measures that we need to build on. We now have 88 strategic projects in the pipeline — this is an extraordinary number — with a total value of \$55.3 billion. The bill before us will amend the act to legislate the VIPP as well as our Major Projects Skills Guarantee, thereby putting into law this government's current practice and its commitment to delivering better outcomes for local business, local industry and local jobs.

The level crossing removal projects in my electorate are a great example. They must use locally manufactured steel and they must ensure a minimum of 10 per cent of the workforce are apprentices, trainees or cadets. And they absolutely are. I have met with a number of them, particularly those working on the Seaford Road level

crossing removal project and the project to build the new Patterson River bridge. Many graduate engineers and apprentices are working on those projects, and, might I add, many of them are female graduate engineers who are getting some tremendous experience and training on our major projects — and what better way to start their careers.

Another really important part of these projects and one that is close to my heart is making sure that everyone gets an opportunity and that everyone benefits. This comes from the government's social procurement framework, which was released earlier this year. It is an Australian first and applies to the purchase of all goods and services and construction by departments and agencies. It makes sure we are generating social value which goes above and beyond the mere financial value of goods and services.

Maximising local job opportunities and creating new opportunities for local business and industry are key priorities of the Andrews Labor government. We want to make sure that we are building Victorian, that we are creating Victorian, that we are training and skilling Victorians and that we are creating more and more jobs for Victorians now and into the future. This is a positive bill, and I absolutely commend it to the house.

Ms HALFPENNY (Thomastown) (16:43) — I rise to speak on the Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018, a bill that has been introduced to enshrine in law the policies of the Andrews Labor government regarding the protection of jobs, the creation of new jobs and the development of new skills to ensure that we have a skilled workforce, which often means a better paid workforce, not just for those around now and for the young people of today but for future generations. Whilst having policies is important, legislation is of course a much stronger form of regulation. I am so proud to be here today to see this legislation that is going to do so much to help create jobs in the state of Victoria introduced.

A lot of the time, especially on the other side of this house, there is a view that government has no role to play in the area of job creation, but in actual fact this legislation really will provide a more equal playing field for businesses and will encourage the development of industries in Victoria, because we do need those wealth-creating industries such as manufacturing. Particularly if we look at all the infrastructure building that is going on at the moment, there ought to be a situation where as many Victorians as possible reap some value or get some advantage from all the infrastructure. Legislation like this is what is doing that, but becoming law will make it all the more stronger.

This legislation is first and foremost about ensuring there is a procurement regime in Victoria whereby local content is valued and there is an enshrinement in law regarding the amount of local content engaged — I think it is about 60 per cent — and whereby there are other systems and levers that ensure work done in Victoria or in Australia is done by local businesses and companies. This is for the government to consider when looking at types of projects and things they are building and the contracts they are awarding. For example, there are projects such as the level crossing removals, the O'Herns Road interchange project and a whole lot of new rail and trams coming on board. This work is not just about the here and now, but it will also provide training for apprentices and ensure that people have skills and good-paying jobs in industries that can then employ people to provide goods and services for the projects that the government is paying for with taxpayers money. Of course it ought to be that the taxpayers themselves get as much benefit and advantage as possible from the taxes they are paying.

The bill will change the title of the act, but really one of the most important amendments this bill proposes is the Victorian Industry Participation Policy, which is about the rules for procurement and ensuring that there is local content engaged, that businesses here get first preference in terms of tendering for contracts and that there is proper consideration given to them bidding for work rather than the government just going overseas or importing stuff from other countries. In the end, in many cases, these products turn out to be very inferior. Even though they are cheaper, in the long run they do not end up cheaper because more money is spent on fixing them up.

A good example is a business in Thomastown which is in the tram industry. They told me that when the Baillieu-Napthine governments were in power and they were looking at bringing trams in from overseas the trams themselves may have cost slightly less to build and import from China, Korea or wherever but there were lifelong lock-in contracts for components. This business could make a component such as a circuit board for \$2000 but if that replacement part was needed for a tram, the lifelong lock-in contract required the state to get it from overseas and to pay something like \$20 000. Not only is this legislation good for Victorians in terms of skills, job creation and ensuring that our small and medium-sized businesses thrive and get the work they can do and should do, but it also stops that situation of something seeming in the short term to be cheaper but ending up more expensive. This legislation and the work that flows from it will certainly show an increase in jobs and skills for the Victorian population,

but it is also something that will be efficient and cost-effective into the future.

Another component of the legislation is the Major Projects Skills Guarantee. This policy is again designed to support local businesses and the creation of jobs, but it is also designed to give opportunities to local apprentices, trainees and cadets. Although Victoria currently has the strongest local content policy in the whole of Australia, there will now also be very strong legislation to ensure the provision of apprentices, trainees and cadets, and we are talking about apprentices in the metals industry and the building industry, trainees in some of the white-collar areas and cadets in engineering and some of those other certificate qualifications.

Young people who go to Melbourne Polytechnic in Epping to do their trade certificates or who go to RMIT in Bundoora to do an engineering course will have a much better ability to get placements or work after they have finished their course because there will be a requirement that employers give young people — trainees and apprentices — work. We know that if there is no supervision or regulation around this area — and this has happened in the past — employers do not want to put on people to train them, to do the right thing and to contribute to the industry they make their profits from, and we end up further down the track with skill shortages. Then we have all these arguments about whether we need to bring in temporary workers from other places, who then get massively exploited in the workplace by being underpaid and having almost slave-like conditions imposed on them, whether it is in the amount that they have to pay for board and lodging or whether it is that they are not able to move around or go anywhere other than from their workplace to the place they are staying and back again. This legislation will provide the skills we need into the future to continue to have a thriving and dynamic industry in the manufacturing areas and also in some of the high-tech areas that are required for major projects.

I would quickly like to talk about the O'Herns Road project in the Thomastown area, which was a Labor government commitment at the last election. It is quite a big project — over \$100 million. I am looking forward to seeing this legislation in force when the main part of that project is happening, which should be later this year. We will see a lot of apprentices and trainees working on that project and getting the skills that will put them in a really good place so that they will have security going into the future in a world in which there is a lot of insecurity.

We are providing this work for our children into the future. They will also be able to take advantage of the free TAFE courses that the Labor government is providing, which are again about making sure that working Victorians and the children of working Victorians have the best opportunity to continue to have a good standard of living, to have good jobs that are meaningful and rewarding for them and to have the skills they need to undertake these jobs, as well as ensuring a thriving business community.

Mr STAIKOS (Bentleigh) (16:53) — It is a pleasure to speak on the Victorian Industry Participation Policy (Local Jobs First) Amendment Bill 2018. I think what this legislation demonstrates is that this government is all about giving Victorians opportunity. That is one of the reasons why so many years ago I joined the Labor Party. It is always the Labor Party that sees that there is a role for government to play when it comes to giving people opportunity and therefore giving them the best chance of a happy, fulfilling and successful life.

I have listened to a few speakers in the course of this debate. One of them was the member for Caulfield. He made the statement that it is not government but the private sector that creates jobs, and he is right. He is absolutely right; that is the case. But it certainly is government that can assist in providing the settings and the conditions so that the private sector can create jobs and opportunities for Victorians. For example, the Victorian government is the biggest purchaser of goods and services in our state, so government procurement has a substantial role to play. It is true to say that this government's record of achievement when it comes to infrastructure has been unmatched by any other government in recent Victorian history. That is undisputed. This year's budget alone has funded nearly \$14 billion in infrastructure, and there has been more than \$10 billion a year in infrastructure on average.

These are serious figures and this is serious investment. When this government says it is going to create jobs and opportunities for Victorians, it is serious about it. In fact since we came to office there have been 88 strategic projects by this government with a total value of over \$55 billion. They are projects that are providing opportunities for hundreds of Victorian businesses and creating tens of thousands of local jobs. All 88 of those strategic projects have local content requirements, and it is local content that we are strengthening with this bill.

A number of these projects have been down in my part of Melbourne around the Bentleigh electorate. If I can turn to the Major Projects Skills Guarantee, again that is a policy that will be enshrined in law. That is a policy that says that 10 per cent of labour hours on government projects must be filled by apprentices,

trainees or engineering cadets. At St Kilda Football Club's headquarters over at Moorabbin Reserve — where we are currently into phase 2 construction of stage 1 of that redevelopment, having just funded stage 2 in the recent budget — there are 18 apprentices and one engineering cadet working on that project and getting a good start in their careers. A few weeks ago I met with one of them. His name is Ben. He is an apprentice electrician. He has worked on a number of different projects and of course now is working on the St Kilda footy club redevelopment — he actually barracks for North Melbourne though. He is an apprentice electrician who is getting his start thanks to this government.

I note that the former Minister for Industry and Employment is in the house. He has been a champion in this area and we acknowledge him for that. He has been a champion for people like Ben and 1000 other apprentices across Victoria who are working on Andrews Labor government projects and who are getting opportunities because this government made it its mission to give them the dignity of a job and a successful and fulfilling career ahead of them. We have gone a step further now, because our historic infrastructure investment has actually meant that we are creating a skills shortage. We have funded 30 free TAFE courses, priority courses and 18 free preapprenticeships which will mean that in Victoria under this government you can train for free at TAFE. You can complete an apprenticeship on a government project. You can have the absolute dream of living a life which means you will have a fulfilling career doing what you enjoy, while providing for yourself and your family. That is what I call a government that is working hand in hand with the private sector and making sure that Victorians have the opportunities that they deserve, opportunities that only a government like ours can provide — that is, a government committed to giving them those opportunities.

That particular project in Moorabbin is something that I have been very proud of, but there is a long list of such projects. As I said, there are 88 strategic projects. If we look at the Melbourne Metro rail tunnel, for instance, the metro rail tunnel project will create nearly 7000 jobs, including 800 for apprentices, trainees and engineering cadets. The member for Burwood earlier referred to something called the Melbourne rail link, and we all remember that. The fact is the Melbourne rail link was a bogus project that was written on the back of a serviette in a pub somewhere. It meant for four years those opposite were twiddling their thumbs and sitting on their hands. As I said, they only had eight strategic projects. That was four years wasted, four years during which we could have started the groundwork to build the metro rail tunnel, which is not only going to mean that on the Frankston line, for

example, there will be a train every 4 minutes but it is also going to mean that there will be people in jobs for the next few years, people who will actually be completing their apprenticeships on that project courtesy of this government working again in partnership with the private sector.

During this debate those opposite have claimed that it is the private sector that creates jobs, but contrary to what they have claimed we do not take the attitude that governments do not have a role to play. That is certainly what they did, and that is why they only created 100 000 jobs during their term in office. We do not take that attitude. Since we have been in office we have seen the creation of 350 000 new jobs in this state. Do you know what? Most of them, well over 200 000 of them, are full-time permanent jobs. That is more than 200 000 additional Victorians getting the dignity of work and everything that comes with that, and that is something that every member of this house should be extremely proud of.

The member for Mount Waverley called us a job-killing government. Very few of those opposite actually spoke on the bill. I understand they will not be voting against it, but they certainly did not speak in favour of this bill. This is a government that has supported jobs. We have worked hand in hand with the private sector, but we have supported jobs, and we have got the results to show for it. The Caulfield-Dandenong rail project is one that those opposite have campaigned against, particularly David Davis, a member for Southern Metropolitan Region in the other place. Mr Davis has never had so many projects to campaign against. That project not only removes nine level crossings but it has local content requirements of 92 per cent for construction, 50 per cent for signalling and 100 per cent for steel, and it is supporting over 2000 local jobs, including for around 100 Indigenous Australians working on that project.

There have also been returned servicemen and women who have worked on the Dandenong rail line project. That is something I am very proud of because we know there are alarming rates of post-traumatic stress disorder among returned servicemen and women. That is something that we should all be concerned about, and we do not talk enough about the torment and anguish that people returning from conflicts overseas actually go through. I am proud that I am part of a government that has given our returned veterans opportunities to pick up their lives again on this important project on the Dandenong line.

We could go on all day to talk about the 88 strategic projects of this government and the opportunities that they are providing, but time is against us. I commend the bill to the house, and I wish it a speedy passage.

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

Debate adjourned until later this day.

**ENVIRONMENT PROTECTION
AMENDMENT BILL 2018**

Second reading

**Debate resumed from 20 June; motion of
Ms D'AMBROSIO (Minister for Energy,
Environment and Climate Change).**

Mr WAKELING (Ferntree Gully) (17:04) — I rise to commence debate on the Environment Protection Amendment Bill 2018. At the outset I wish to foreshadow a reasoned amendment, which I will read out now. This has been circulated to the government in advance. I move:

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

As I said, this amendment was circulated today to the government and the crossbenchers.

The legislation before the house is significant. It is significant not only in its size and its volume, but it is also significant in what it is proposing. It is important to place on record at the start that environment protection is critical for the state of Victoria, and it is critical that we have legislation in place that meets the needs of a modern Victoria. The legislation seeks to review and revise the legislation that was introduced into this house back in 1970. Clearly there are aspects of the act that need to be replaced and updated. However, there are aspects of this bill about which the coalition has concerns, and they will be addressed throughout my contribution.

Can I start by saying that a strong environment protection system is important for Victoria. In fact it was the then Bolte government that introduced the first Environment Protection Bill, in 1970. On 12 November 1970 the Minister of Lands, Bill Borthwick, who represented my community and my region at the time, stated in this house during his second-reading speech that:

The purpose of this bill is to establish the basis for a program of environment protection for Victoria through the control of wastes and the prevention of pollution. The bill has been formulated with four principal objectives in mind. The first is to provide for the establishment of state policy respecting conditions to be maintained in various segments or areas of Victoria's environment . . . The adopted policies would form the guidelines for action by all agencies in the prevention of pollution.

The second objective is to provide a means of preventing pollution and to place the state in a position of knowing what environmental degradations are taking place. This is accomplished through a system of licensing the discharge of wastes into the environment. The third objective is to provide firm controls on pollution if it should occur despite the strong prevention program of licensing waste discharges. The fourth objective is to establish an authority to assume the overall responsibility for environment protection. This will eliminate the fragmentation of responsibility in this field which presently inhibits comprehensive and coordinated action.

The minister at the time concluded his remarks by saying that:

Enactment of this bill will clearly place Victoria in a position of leadership in Australia in the fields of pollution control and environment protection.

Certainly that was the starting point of this legislation that was enacted by the then Liberal Bolte government, and I am certainly proud of the work of that government.

As I said, it is important that we have a strong environmental protection regime in place. The government went through a process of community consultation which led to the handing down of the report of the independent inquiry into the Environment Protection Authority Victoria (EPA) last year. The government then provided a response earlier this year to the recommendations of that independent inquiry in terms of the proposed changes to legislation.

Last year we had amendments that went through this house to the Environment Protection Act 1970, which effectively provided for changes in the regime and the management of the regime. Those amendments to the governance structure and the new objective of the EPA, which is, I quote, 'to protect human health and the environment by reducing the harmful effects of pollution and waste', commenced on 1 July this year. That is the background upon which the changes and proposed changes to the EPA have been considered in terms of where we are at to date.

In terms of the changes that are proposed under this legislation, there are a number. I wish to provide an overview of some of the changes which identify how the bill is potentially going to modernise the operations of the EPA within the state of Victoria. Firstly, it is going to be introducing a tiered permissions regime which will see the introduction of a registration system which will be tiered with permits and licensing. Registrations will be granted to low to medium-risk activities; permits will apply to medium to high-risk activities with low complexity; and licences, whether development, operating or pilot project, will be designed to regulate complex and high-risk activities. That is going to introduce a new tiered system which

provides for a more appropriate level of regulation depending on the level of activity.

There will also be increasing investigative enforcement and compliance powers of authorised officers to enter premises and investigate suspected breaches. They will be conducting surveillance, and there will be criminal penalties for persons impeding, assaulting or impersonating an authorised officer. There will also be increased penalties and fines for breaches of the law, including civil and criminal proceedings against offenders. A person in management or control of contaminated land must minimise the risk of harm to human health and the environment and must notify the EPA of contaminated land. There will be the introduction of a new preliminary risk screen assessment which will provide for a stipulated rapid, low-cost assessment of the risks and determine whether a more detailed audit is necessary.

There will be a new duty to notify the EPA when pollution incidents occur and a duty to respond to harm caused by a pollution incident when it occurs. The bill will also clarify and improve the processes for the review of EPA decisions, providing for both internal review by the EPA and merits reviewed by the Victorian Civil and Administrative Tribunal.

They are some of the changes that are proposed under this legislation, but there are some other significant changes that this bill is seeking to introduce into legislation. One of the first issues that has been identified relates to the introduction of what is known as a general environmental duty. This is under proposed part 3.2 of the Environment Protection Act 2017 to be inserted by the bill before the Parliament. This will introduce a general environmental duty which the government says has been modelled on the general duties provision contained within the Victorian Occupational Health and Safety Act 2004. This new environmental duty will require that persons who are conducting activities that pose risks of harm to human health or the environment from pollution or waste must proactively minimise, eliminate and reduce any risk where reasonably practicable.

A breach of this new general environmental duty occurs when a person fails to take reasonably practicable measures to address this risk. It does not exist once the harm has occurred. An offence is deemed to have occurred when a person intentionally or recklessly contravenes the general environmental duty and the contravention results in material harm or is likely to result in material harm to human health or the environment from pollution or waste and the person knew or reasonably should have known that the

contravention would result in material harm or would be likely to result in material harm to human health or the environment from pollution or waste. Penalties for breaches of this provision can be up to \$1.6 million for a corporation.

The provisions of the Occupational Health and Safety Act are certainly known to many and have operated for many years within the state of Victoria. However, this new duty to be applied in terms of environmental protection currently does not operate within the state of Victoria. Concerns have been raised with me in consultation with many within the Victorian community, particularly from within the business community, about the proposed changes. There is a growing level of concern amongst many stakeholders who have written to me, as part of my consultation with the sector, about the bill in general and also specifically in regard to this provision.

The first point I would make is that the business community largely feels that this issue and other issues have not been addressed as part of a consultation process with industry. Industry have said to me they strongly support environmental regulation. They strongly support environmental protection because they want to ensure that, in the Victorian community and in the business community, landowners operate in a manner that is focused on improving the environment and reasonable steps to ensure that they are not impacting on the environment either directly or through emissions that might impact on human life. But in terms of the legislation that is before the house now, industry has clearly indicated to me that there has been a lack of consultation. There is a lack of understanding as to how we have gotten to this point in the legislation and how it is actually going to impact on businesses, on landowners and on Victorians throughout the state in terms of their practices and in terms of the requirement under this bill to proactively identify problems that are going to potentially impact on the environment or human life.

Businesses throughout the state of Victoria that fall within the small-to-medium category do not have the level of expertise that a large organisation may have in terms of having intimate knowledge of environmental protection and what the environmental standards are. Industry is fearful that this will result in their having to engage environmental consultants more often to ensure that their landholding is compliant. The EPA, technically, I would presume, is not under this legislation going to be offering a service to every Victorian landowner to provide an audit of their premises to ensure that they are compliant with the requirements of this legislation. There is a lack of understanding, there is a

lack of clarity and there is a lack of certainty as to what is proposed in this legislation.

We understand that there is going to be subordinate legislation and that there are going to be regulations and other changes that are going to have to be developed over a two-year period in terms of clarifying this. But again industry is saying, 'We are having to put our faith in the potential subordinate legislation in terms of the requirements of a regulation that industry may or may not be consulted on into the future'.

The important issue here is that if we introduce this legislation, it is going to make such a significant change in terms of the onus on landowners — on families — if they own a property which potentially poses an environmental hazard. There is a lack of understanding about what this impact will be on business. I think the overarching issue here is that the government has gone through a consultation process. The government has provided a response to that report, but now we have gone and rushed through legislation. It seems the overriding factor in all of this is that this government is more focused on ramming this legislation through Parliament before the expiration of this current Parliament than it is on ensuring we have legislation that affords environmental protection across the state and that has had input from Victorian industry and been drafted as a result of genuine consultation with Victorian industry.

As I said, I have had correspondence from stakeholders in industry associations. I have spoken to people in the waste sector and they have raised a range of concerns in regard to the particular requirements in this provision. For example, one of their arguments is about the fact that we are going to have this new general duty to ensure that impacts are minimised so far as reasonably practicable. The question is how will 'reasonably practicable' be assessed. What guidance will be prepared for industry to clarify this, and when? The definition of 'harm to health' includes psychological health in recognition of the potential impacts on mental wellbeing of emissions such as odour and noise. How will this be assessed, regulated and managed?

Other concerns that have been raised by industry are about the fact that to help businesses meet their obligations the bill provides that the EPA will develop compliance codes. While this has been a successful model for guiding compliance with occupational health and safety laws in Victoria, identifying, assessing and managing environmental risk is a technical exercise that requires scientific expertise. Not all businesses have ready access to the required scientific expertise, which

can be expensive to procure, particularly for small businesses. This industry group goes on to say:

We therefore urge the government to make legislative provision for the EPA to assist businesses with advice and access to relevant scientific and technical expertise for identifying and assessing managing risks that fall under the GED.

In addition to developing compliance codes, the EPA should also be obliged to keep an up-to-date and readily accessible register of environmental and human health risks that identifies and rates key risks based on the EPA's expert assessment.

These are not unreasonable points. This is not about industry saying, 'We don't want to be regulated'. This is not about industry saying, 'We want to be able to pollute'. In fact all this is saying is: if somebody is running a small business and they want to know that their small business meets the requirements of this new environmental duty, how is a small business operator going to know the scientific requirements to determine whether or not their operations are potentially going to impact not only on the environment but potentially on those people who live or work close by or within the region of their organisation? They clearly will not be able to know that. So what will they be required to do? They can call the EPA, but the EPA is not going to provide this service to the thousands and thousands and thousands of businesses that operate across the state of Victoria. They are not going to provide this for every landowner across the state of Victoria, for every mum and dad that has a septic tank to understand whether or not this is potentially going to impact on their family and impact on the environment or neighbouring properties. They are not going to know this.

You also then have areas such as the government schools. They will have a duty to ensure that they take into consideration the environmental duties in relation to asbestos within government properties. They will prospectively be required to foresee where the potential problems are with not only asbestos in the buildings but asbestos that potentially is buried in the ground. We already know that there is a litany of examples across the state of Victoria where children were playing with asbestos in the school gardens which had been dug up by school communities to build things such as gardens and long jump pits.

So there are plenty of examples where this piece of legislation with regard to this specific provision is potentially going to have a significant impact, and industry is being told, 'Don't worry, we will sort it out'. For such a significant piece of legislation there is no requirement, there is no imperative, to have this piece of legislation rammed through here today, this week,

when we can go off and do the consultation which industry has asked for. There are clear concerns with this bill.

Another area of concern that has been raised by many in terms of the consultation is the new provision regarding the implementation of third-party rights. Third-party rights will effectively mean that under the act third parties will be afforded the opportunity to intervene in proceedings or enact their own proceedings against the operations or against any business, any landowner or any activity which they believe potentially breaches the law in relation to the environment. Now, the first thing that we need to remember here is that the legislation already provides for a regulator that is meant to perform the role of the cop on the beat that is meant to be overseeing and regulating the activities of organisations and landowners and affording them the power to intervene where there is a breach of the legislation. But the bill is proposing to implement changes which effectively say, 'Despite the fact that there is a cop on the beat, we want to then allow third parties to take action'. Moreover, even if the EPA is involved in the decision-making process, even if the EPA has approved the decision-making process, there will be the opportunity for third parties to take action against a decision or an activity that is occurring on land across the state of Victoria.

Now, there is a range of issues and concerns that have been raised with regard to this. Clearly there are the concerns of the business community, of many organisations across Victoria that have raised concerns with me, about the fact that this will potentially lead to frivolous and vexatious actions. I know that the argument is going to be put that this will be seldom used. Well, if it is going to be seldom used, then it begs the question why have you got the provision in the first place? You do not put these provisions in legislation unless there is an expectation that you are actually going to be affording the opportunity for individuals and for organisations to take action against an operator or against a landowner in terms of their activity.

That is the first thing. Secondly, in terms of the way in which this will apply, again industry is not convinced that simply waiting for the rollout of subordinate legislation will clarify and mitigate any concerns they have. They are concerned about the fact that evidence has shown that in examples under the federal legislation there have been significant activities which have resulted in matters being held up, frivolous claims requiring organisations to incur significant legal costs — clearly a loss of time in terms of the business activity. There is nothing in this legislation for the landowner, the business operator, to seek compensation for the action that has been taken against them.

Again I make the very simple point that these are not provisions that industry has asked for. These are not issues that industry has been engaged in. The government, it would appear, is more focused on ramming this bill through the Parliament than it is on getting this right, which is imperative if you are going to make significant changes, if you are going to modernise the environment protection legislation — legislation that was brought into this state 48 or 49 years ago. Of course you need to modernise the act. Of course you need to review the legislation. Nobody is acting against that. Nobody has argued that there should not be modernisation of the legislation. Nobody is arguing that there should not be strengthening of the legislation. But when you are seeking to make such a significant change, when you have gone through a consultation process, when you have responded to that consultation process and then you have taken it one step further and introduced changes that many in the industry have said they were not expecting, the question has to be asked: why are you doing this?

That brings me back to the amendment that we have moved, which is for this bill to be referred to the Environment, Natural Resources and Regional Development Committee of this Parliament, a bipartisan, all-party committee which enables industry, environmental groups, community organisations, local government and individuals to make representations, to put their view forward and to then allow these issues to be looked at, to be identified, to be assessed and to ensure that people who are going to be affected by the operation of this legislation can at least be heard and have their say. We do not want to be revisiting this bill in the future if it is enacted by this Parliament in terms of identifying the problems that have resulted as part of the third-party rights or be revisiting the issues of environmental duty because ramming through the bill resulted in an outcome which was not anticipated by the legislation.

There are concerns that have been raised by many industry stakeholders. Those stakeholders have raised concerns, and that is why the Liberal and National parties are moving this reasoned amendment. It is to allow this bill to be assessed — to allow that committee to do the work that it has done and other committees of this Parliament have done and assess the impact of the legislation and then go away and allow people to have the opportunity to have their say. On that basis I strongly urge all members of the house to support the reasoned amendment that I have submitted, because I believe it is the best outcome given the situation we are currently in with this significant piece of legislation.

Mr CARBINES (Ivanhoe) (17:34) — It is a pleasure to speak on the Environment Protection

Amendment Bill 2018, and what a very substantial piece of work the government has done along with stakeholders in relation to the second stage of our reforms and renewal. Just covering a bit of background, of course the independent inquiry into the Environment Protection Authority Victoria (EPA) was an Andrews Labor government election commitment. The government's response to an independent inquiry committed to updating our environment protection laws in two stages. That was done through a lot of work by the member for Bellarine in her role as shadow Minister for Environment and Climate Change, and I was working closely with her as the shadow parliamentary secretary for the environment. We met with many stakeholders before our election commitment was affirmed by Victorians at the ballot box.

Of course stage 1, the Environment Protection Act 2017, having passed through this Parliament, has strengthened the EPA's governance and established a governing board, a statutory objective for the EPA and statutory roles for the chief executive officer and the chief environmental scientist. In particular, expectations for governance changes across the public sector are very significant, and statutory authorities have very significant and clear powers in a governance sense. That has changed quite significantly through this Parliament not only in relation to ensuring diversity and gender equality in relation to broad representation in government but also in relation to the expectations of the modernisation of those governance standards and the expectations that we have of our statutory authorities.

Of course there are a couple of matters that I particularly want to touch on, not only that this is the second stage that delivers on the amendments to the 2017 act and also that it repeals the 1970 EPA act, as touched on by the member for Ferntree Gully. We are comprehensively overhauling Victoria's environmental protection scheme and the way that it has worked. The past two state budgets of course have allocated \$182 million over five years to fund and reinforce our investment in many of the reforms to modernise the EPA act. I also want to touch on some of the issues that the shadow minister raised, particularly around industry and peak body support with regard to the general environmental duty, and I will come to those shortly.

In a consultation sense, of course we have had an independent inquiry into the EPA, and I want to thank again on the record the chair, Penny Armytage, a very experienced public servant who I have had the pleasure to work with in her roles going way back as a director in the former Department of Justice, particularly around child protection. When I worked for the former member for Melbourne and minister in the Bracks and Brumby

governments, Bronwyn Pike, I worked very closely with Penny Armytage in the justice portfolio on a range of her works. It is a very substantial contribution that she has made to public service in Victoria.

I also want to thank Jane Brockington and of course Janice van Reyk, who are very well known and substantive contributors to public policy development in Victoria. We had community communication not only through that process but also of course through the election commitment that we made. We also had a look at and benchmarked world's best practice, and we had an independent inquiry that reported in 2016 and the government's response in 2017.

Those opposite think that we are trying to ram through this legislation after four years in government, but after a public inquiry, after a government response, after the first stage of the legislation has passed this Parliament and after taking to the election a commitment to review the EPA act, I do not think anyone could seriously claim that the Andrews Labor government has sought to ram through a reform of the Environment Protection Authority Victoria.

What has really driven that in a public sense in the community has been the public's expectations of the EPA, which are somewhere up near the ceiling for those who might be listening as opposed to watching, and of Parks Victoria, another statutory authority and organisation that is very much the same. There are high public expectations of their capacity to perform their roles, but when it comes to legislation, when it comes to budget capacity and when it comes to their ability to deliver on the public's expectations, the review around what the Parliament had determined is their purview and their role found they had fallen behind. We have delivered changes, reforms, budget increases and a new act in relation to Parks Victoria, and again in this public policy and portfolio area we are delivering changes to the Environment Protection Authority Victoria not only in the way in which we see its role today but also in how we should make sure the environmental cop on the beat has the capacity and engagement with industry which is critical.

I have learned a lot about that over these past four years. The leadership of people like Cheryl Batagol has been critical in making sure that industry works hand in hand with government not only on the reforms to the EPA but also on the public's and industry's expectations of the role of the EPA being very clear as a regulator with industry so they can invest and make decisions about the future.

When we talk about stakeholders, we are talking about the Australian Industry Group, the Victorian Chamber of Commerce and Industry, the Municipal Association of Victoria, the Victorian Farmers Federation, the Waste Management Association of Australia, the Victorian Waste Management Association, Environment Victoria, Environment Justice Australia, the Community and Public Sector Union, the Victorian Trades Hall Council and the Australian Landfill Owners Association. I know all of them very well. I have worked very closely with them, and they have worked closely with our government. They have helped us to develop these reforms and this bill.

I want to touch on a couple of points made by the honourable minister, the member for Mill Park. I think she made a very good point in her second-reading speech when she said:

From 1971 to today Victoria has benefited greatly from EPA's extraordinary work. In 1971 EPA was created to tackle gross pollution challenges including deteriorating air and water quality, the haphazard management of hazardous waste, and the increasing legacy of pollution from mining and other industries. The intervening years have seen improvements in many environmental quality measures at the same time as Victoria's population grew from 3½ million in 1970 to more than 6 million today.

The expectations have not changed in relation to those key benchmarks and the public's expectations of the role of the EPA, but what has changed is there are more complexities and there is stockpiling of recyclables. We have seen that, if you like, in the Mount Ararat tyre stockpile at Stawell and we have seen that at Coolaroo. We have seen what happens if you do not have a statutory authority that can hold rogue operators to account.

I also want to pick up on some other points in the limited time I have left. There were some conversations amongst those opposite in relation to the general environmental duty, and I wanted to pick up on those points. The general environmental duty is a new legal duty on any person who engages in activity that gives rise to the risk of harm to human health and the environment from pollution or waste. The duty is to take reasonably practical measures to minimise those risks. Similar duties appear in a range of Victorian laws, including the Occupational Health and Safety Act 2004. Industry have made it very clear that they are supportive of the fact that we have mirrored and based our work on that OH&S act. We are also reflective of what other jurisdictions have been doing for very many years in relation to the way in which we seek to apply the general environmental duty. There is nothing new here, and those opposite seek to make mischief also, I would say, in their decision to try to refer these matters to the Environmental, Natural Resources and Regional

Development Committee, a committee that has done a lot of good work.

But the time for committees and the time for talk is over. We worked through these matters with stakeholders in opposition, we made commitments at the election to review the EPA act and we set up an independent inquiry and committee made up of eminent public policy leaders in Victoria to do that work. We then sought to have a government response to those matters. We set up the governance structures that have been passed by this Parliament to give effect to further reforms that we would seek to introduce. We have then come before this Parliament with this substantial piece of work to do what we need to do not only to protect and advance the interests of the environment but to give effect to public policy investment in changes and reforms in Victoria to ensure that, with growing population pressures in our community and the desire and need for industry to meet growing demands in the community, there are clear legislative frameworks in place that are policed effectively so industry can make investments and decisions about the future with clarity.

I know from my engagements with industry that the relationships they have with the EPA are very effective — with their CEO, Nial Finegan, and others, and with Cheryl Batagol as chair. They will have confidence in the subordinate legislation because of their engagement in the process, which is already underway. We know that together we will continue to make sure the EPA, effectively legislated here, will be able to advance the interests of all Victorians.

Mr CRISP (Mildura) (17:44) — I rise to make a contribution on the Environment Protection Amendment Bill 2018. I say right up front that The Nationals are supporting the reasoned amendment that has been moved to this particular bill. The purpose of the bill is to make amendments to the Environment Protection Act 2017, to repeal the Environment Protection Act 1970 and to amend the Mineral Resources (Sustainable Development) Act 1990. It also makes consequential amendments to other acts.

The bill implements key reforms from the Labor government's response to the independent inquiry into the Environment Protection Authority Victoria (EPA). The bill introduces a general environmental duty as the core of a preventative regulatory scheme and new third-party rights to seek civil remedies for breaches of the Environment Protection Act, which the government describes as important environmental justice initiatives. The bill also provides for increased penalties and sanctions to reflect the significance of environmental wrongdoing and provides for more flexible, efficient,

targeted, proportionate and timely regulation of waste, contaminated land, pollution and other matters. That is broadly what the government is laying out with this particular bill.

There are a number of provisions in the bill. The one that I want to talk about is the general environmental duty, which is part 3.2 in new chapter 3. The bill introduces a general environmental duty, which the government says has been modelled on the general duties contained in Victoria's Occupational Health and Safety Act 2004. The general environmental duty prospectively applies the obligation that persons conducting activities that pose risks of harm to human health or the environment from pollution or waste must proactively minimise, eliminate and reduce any remaining risk where reasonably practicable. I think the term 'reasonably practical' will be a very important one if this legislation passes, because that always does have its challenges. What is reasonably practical for one person may not be for another. Some of the later provisions in this bill mean that will be tested in court, and the outcomes from that will work their way into common law. The definition of 'reasonably practical' is certainly of great concern to me.

A breach of general environmental duty occurs when a person fails to take reasonably practical measures to address the risk. It does not exist once the harm has occurred. An offence is deemed to have occurred when the person intentionally or recklessly contravenes the general environmental duty; when the contravention results in material harm or is likely to result in material harm to human health or the environment from pollution or waste; and when the person knew or reasonably should have known that the contravention would result in material harm. All of this is well and good in the legislation, but out there practically it does present some real challenges. As we work our way through this I am sure there will be a series of adverse outcomes for people as this settles in.

The independent inquiry recommended that duty of care should be phased in, and that would be very important as we do have to educate a lot of people about what their responsibilities will be. However, the government has not adopted this advice and is bringing this in straightaway. A considerable amount of work needs to be done on these sorts of changes to educate people about what has changed and why it has changed and to allow for a transition. I think that is extremely important. This empowers the EPA to be heavy-handed in their approach, and that is something where — and I think all of us would agree on this — carrots are more important than sticks when you are making changes of

such significance to many of our businesses, farmers and others.

The third-party rights are also of concern. This is part 11.4 around the civil remedies. Third parties will now be entitled to apply to a court for civil orders to restrain or remedy a contravention of the act, including a contravention of the general environmental duty and non-compliance with a condition of a permission — and that is a registration, permit or licence, which is detailed a little later. This too means that not only are the EPA involved, but there will unfortunately be watchdog organisations or lobby groups out there seeking to pursue causes that I believe may well be detrimental to our economy if it gets out of control.

An eligible third party is described as a person whose interests are affected by the contravention or non-compliance in relation to the application that is being made. A person whose interests are affected would be determined by the court in accordance with common-law principles. Somebody somewhere is going to have a fair amount of difficulty with this, and that is why we think it needs to be redrawn and redrafted to have a phase-in period. A court can only grant leave to a person to make applications around certain conditions, and the government has said that the restrictions are limited in some ways as well, but either way you have now got the EPA and a number of other interested groups who can pursue certain individuals over certain events.

The court can make an order restraining a person from engaging in specific conduct if the court is satisfied that a person is not compliant with a granted permission or does not meet with the duties, including the general environmental duty, imposed by the act. What we have here is the best of good intentions, but as I have repeatedly said through this contribution I am concerned about how this will be implemented. Some of the other amendments include defining things that you need for registrations, and registrations will be granted for low to medium-risk activities, permits will apply to high-risk activities with low complexity and of course licences will be designed to regulate complex and high-risk activities. I think we understand that, but I see some issues in determining who fits in what area you need to be registered for. You will have neighbourhoods where people may view their lives differently and issues will arise between neighbours. This could even be misused, in my view, for vexatious complaints amongst neighbours and other people in an area where they are not happy with their neighbour for one reason or another.

With all of those powers that are listed in this and combining with that the right for individuals to take action, it does leave us with considerable concerns. There has been some feedback on this, and I am quite sure environmental groups will be strongly backing this legislation — that is quite clear from the second-reading speech. However, business and industry groups have asked to be consulted on the legislation, citing concerns with the general environmental duty and the third-party rights. I think the basis of my concern is the consulting process and the feed-in process.

To wrap this up, the introduction of the general environmental duty and third-party rights has the potential to incentivise civil and criminal legal proceedings against individuals and businesses where individuals and businesses have vested interests. They can weaponise those mechanisms in opposition to certain activities, developments or investments. That is the risk with this, and we cannot let this go down that path. Given that an exposure draft of the legislation did not precede the introduction of the legislation, it is proposed that we need to refer this bill to the Environment, Natural Resources and Regional Development Committee. That is why we need to, at the very least, give a whole lot more notice to people about how this is going to work.

This bill is full of good intentions, but I think the practical part of this is of great concern, particularly how it is going to be implemented. The ability of certain groups to weaponise this legislation is of concern to me, and thus in its current form we will be opposing the legislation.

Ms EDWARDS (Bendigo West) (17:53) — I am very pleased to rise and to make a contribution on the Environment Protection Amendment Bill 2018, and can I say it is extremely disappointing that those opposite would oppose this groundbreaking legislation that has been needed for over 30 years, remembering of course that it was the Liberal Party that introduced the Environment Protection Authority (EPA) Victoria in the first place back in the 1970s. You would think that they would want to strengthen the EPA, to make sure that it has the powers and the resources to continue to do the great work that is required across Victoria to protect our environment and to protect our communities. While I am mentioning that, I remind the house that when those opposite were in government we had close to 5000 public servants who lost their jobs under their government and some of those were of course EPA staff.

I recall vividly being in opposition at the time the EPA started to be referred to in my patch as a toothless tiger because they just did not have the resources or the capacity, nor did they have the dollars or the staff, to do the job they were required to do. I have a lot of environmental issues in my electorate. I have broiler farms. I have industry. I can tell you now that each time someone came to my office to complain about odour, noise or water contamination or former mining site contamination it was very difficult at that time to have anyone from the EPA to go out and investigate, let alone go out and do odour monitoring or noise monitoring.

Having said all of that, I was really pleased that the Minister for Energy, Environment and Climate Change was able to open the new regional EPA office in Bendigo last year. We have invested significantly in making sure that the EPA has a presence not just in Bendigo but across regional Victoria. The service in Bendigo now works right across the regions of Mildura, Horsham, Macedon Ranges, Northern Grampians and Campaspe. This is a really important centralisation of the EPA in regional Victoria, where much of their work is carried out.

This bill, as the member for Ivanhoe mentioned in his contribution, is a response to the independent inquiry into the Environment Protection Authority and the government response to that. We committed to implementing changes to modernise the EPA, including its governance structures and legislative and regulatory framework. That is exactly what we are doing. That was part of a two-pronged package. The first comprised repealing and replacing the Environment Protection Act to establish the authority with new governance structures, which was done previously. That first tranche of reforms was introduced by the Environment Protection Act 2017, which did indeed modernise the EPA's governance structure and gave it a new statutory objective to reduce the harmful effects of pollution and waste.

This bill is the second tranche of those reforms, and it will repeal the Environment Protection Act 1970 and introduce many key reforms to Victoria's environment protection legislation. It absolutely delivers on our commitment, this government's commitment, to reform, modernise and strengthen the legislative framework for the Environment Protection Authority in Victoria.

I came across, while I was researching this bill, a survey that was conducted by Environmental Justice Australia around reforming the EPA and the impact on communities and the environment. I just want to run through some of the analysis of the survey results because I think it is important that we understand that this was not just done on the back of a government's

commitment; this was done with very significant stakeholder engagement and community engagement right across Victoria. There was a very significant community consultation process. Environmental Justice Australia held 10 workshops in metro and regional Victoria based on the EPA changes, and the purpose of the workshops was to help the community understand what rights community members currently have under environmental protection laws, to understand how the proposed reforms might impact on community health and the environment and to inform people of opportunities for community involvement in the ongoing reform process.

What came out of that was very interesting because I think it absolutely corresponds with the legislation that we are talking about today. The respondents were asked what the EPA should do to be the best functioning EPA it could be. According to the analysis of the survey results:

The most common response was that the EPA must be more honest, open, accountable and transparent. Other frequent responses were to hold all companies that breach to account through enforcement action; to put people's health and the environment before business; to stop pollution before it happens; engage more closely with community groups to get better environmental outcomes; to be genuinely independent of industry and the government of the day; to be well funded; to be fearless.

I think that highlights exactly why this legislation is before the house today, because it actually talks to what the community said they wanted the EPA to be. Some of the key reforms that they talked about needing to be implemented were giving the community the right to take polluters to court to prevent or clean up pollution when the EPA cannot or will not — that is, the third-party enforcement rights that the member for Mildura was talking about; giving the community the right to review key EPA decisions and removing artificial restrictions that limit these third-party review rights; making human and environmental health a priority and enshrining that in law; supporting genuine community participation in EPA decisions; giving the community a right to access pollution information, including EPA and industry monitoring data; and finally, driving a cultural shift at the EPA to make it the strong and effective regulator the community expects it to be.

I think when you look at some of the results from that survey and then look at this legislation before us today you can see that we absolutely have listened to the community, that many of those stakeholder engagement events held across Victoria have made a difference and that we have listened and have done exactly what the community expects of us and of the EPA. We do not want the EPA ever again to be called a toothless tiger.

Some of the initiatives that I am really proud of that we have implemented since coming to government — which are outside of this legislation but which go to the heart of changes within our environmental policy — include the City of Greater Bendigo participating in a pilot for the preliminary risk screen for contaminated land. It is a more efficient approach to assessing potentially contaminated land which is being piloted in Victoria. Of course we have much contaminated land across Victoria thanks to the gold mining history that Bendigo is renowned for — indeed across the whole of the Bendigo region. This pilot is being delivered by the department and the EPA as part of the government's response to the independent inquiry into the EPA. Sites in the Bendigo region are being put forward for the pilot through a partnership of the Victorian government and the City of Greater Bendigo, and we look forward to the outcome of that pilot.

Some time ago, back in May, the Environment Protection Authority fined a company in my electorate. Hazeldene's chicken farm was fined \$7929 after contaminated groundwater was discovered at its Lockwood property. The EPA became aware of the contamination of onsite groundwater while assessing information provided in an environmental auditor's report which had been given to the EPA. The contamination was identified, and indeed Hazeldene's was fined. This is the work that the EPA does and that the EPA needs to do well and strongly into the future.

We were also very pleased back in July to announce new officers for the protection of the local environment across regional Victoria. One is based in Bendigo. They will be locally based. They will consult with the community. Their role is to be that conduit, if you like, between the community and the EPA. We are very proud that we have got those happening now in regional Victoria, and they cover a whole range of different local government areas across Victoria.

This bill is one of the most important bills that will come before this house, and I commend the bill to the house.

Ms SANDELL (Melbourne) (18:03) — I am pleased to have the opportunity to speak today on the Environment Protection Amendment Bill 2018. Now more than ever we need strong environmental laws. Our precious environment is under greater threat than ever before. We are in the midst of an extinction crisis. Habitat is being lost at unprecedented rate and industrial activities continue to degrade and pollute our land and water, not to mention resource use and the recycling and waste crisis that we are currently facing. That is why this bill is incredibly important.

Overall I am satisfied that this bill is a genuine effort to reform, modernise and strengthen environmental protection in Victoria. Unlike previous bills that I have been quite critical of, including the Flora and Fauna Guarantee Amendment Bill 2018 and the Marine and Coastal Bill 2017, which were both very disappointing efforts by this government, I am happy that this bill seems to be quite a considered and thorough attempt to improve the Environment Protection Authority Victoria (EPA). The key test, of course, will be whether the EPA will be adequately resourced to do everything it is tasked to do under this bill and whether its new powers will actually be used to protect our environment. I sincerely hope that they will be.

In 1970, when the Environment Protection Act was created, it was an important advance in environmental law and it was of huge value to Victorians and to our environment. But now in 2018 it is well and truly outdated. It is crucial that the polluting activities of industry and big business are controlled to safeguard our health and also our environment.

It has been a little difficult for us; we have not had very much time to go through the detail of the bill. The promise to reform the EPA was made in 2014. It is four years later, but we only recently saw the detail of the bill. It is a very substantial reform — a bill that is almost 500 pages long — and we have only had a few weeks to look at it. I would have liked a bit more time to thoroughly consider it. I also note that the scheme will not commence until 2020. I know that it takes some time to put these reforms into place, but the environment really should be at the top of this government's priority list. I know it is not. It should be — I wish it was — and so I would have liked to have seen this happen a lot more quickly. But, as I said, I do think it is a really positive bill, it is going in a good direction and it will be supported by the Greens. We will not be supporting the Liberals attempts to delay the bill through their reasoned amendment.

I would like to speak now to some key aspects of the bill. Probably the most important and substantive part of the bill is the prevention and general environmental duty. I am very pleased to say that this bill changes the focus of environmental protection from dealing with disasters after they happen to creating an obligation that industry, businesses and individuals protect our environment from harm before it happens as part of their core business. This approach, a preventative approach, is what the Greens often talk about, and it is set out in this bill by creating what is called an general environmental duty. This approach has a lot to offer. It makes it clear that industry has a duty to protect the environment and to take actions to prevent harm that

could be foreseeable. It is a big improvement on the existing arrangement, most significantly because it gives the EPA power to proactively drive a culture of environmental protection. At the moment, as we know, the EPA is only able to get involved once there has been an environmental disaster, which is often too late.

In terms of the general environmental duty, the approach is new and untested here. Its success will really be determined by how it is interpreted and how it is implemented, especially by the EPA. The duty must be set high. The EPA must be willing to enforce it. The EPA must send a message to industry that token efforts will not be good enough. It is also critical that our courts take a strong stand when consideration of the duty comes to them, as sadly it inevitably will.

The second part of the bill I would like to speak to is the inclusion of third-party enforcement rights. What this means is that a member of the public can take an individual or company to court when they are doing the wrong thing. It is a big win. It is a great way to stand up for the environment when the EPA is failing to do its job. Third-party rights are a very positive addition to Victoria's environmental protection regime. They have been long and hard-fought-for by our dedicated environmental advocacy groups here in Victoria. On behalf of the Greens, the environment and all Victorians, I would like to thank them for their hard work and perseverance in making sure that this is in the bill.

While the third-party rights included in the bill are good, they do not go as far as we would have liked. I am disappointed that, unlike in New South Wales, the bill does not allow members of the public to get decisions reviewed when there is a decision that they believe has been made incorrectly. For example, were the EPA to make a decision about granting a licence to a company that is clearly seen as a poor decision, members of the public cannot go to court to seek that the decision gets made again and made correctly. Essentially it feels like this government has included the bare minimum of third-party rights they could get away with. It would have been good if they had had the courage to give real power to the people to hold the EPA and industry to account. Others might say that this is because there is a risk of misuse of these rights, but that is really not the case. Evidence from other jurisdictions is that where the community uses third-party rights, cases are almost always successful. Communities are genuinely concerned about our environment and could have a far more powerful role in preventing pollution and damaging activities by industry.

I would also like to speak briefly about the waste sections of the bill. These sections are largely the same as those in the Environment Protection Act 1970. The most significant change is replacing rules around 'prescribed industrial waste' in the 1970 act with 'priority waste'. Priority waste is anything that is designated as a priority and does not necessarily need to be from industry. Anyone managing priority waste under today's bill will need to consider alternatives to just disposing of that waste. We welcome that move, because simply putting waste into landfill and hoping it goes away does not work and can no longer be our first option.

The bill also allows the EPA to create guidelines on alternatives to disposal and requires waste managers to consider those guidelines. We welcome this too, although we hope these guidelines will consider options right at the top of the waste hierarchy, such as re-use and recycling, instead of just jumping straight to, for example, burning waste, which seems to be a favourite activity of this government. Burning waste, like putting it in landfill, can seem like an easy option, but currently with our approach and technology here in Australia it is no real solution and it can create more environmental and health problems than it solves with the technology that this government is looking at using.

The bill also renames the landfill levy the 'waste levy'. While it is not in the scope of this bill, I would like to talk briefly on the fact that the landfill levy, now the waste levy, is a fund that is supposed to be spent on environmental programs, but successive governments, including this one, have let it sit there to prop up the budget rather than actually spending it as it was intended, which is a real waste. There is a whole bunch of money there that could have gone to really good environmental programs, perhaps avoiding this waste and recycling crisis that we have now. It could have been used to transform our waste industry into one that really rises to the challenge of no longer exporting huge quantities of recycling to China. We could be recycling more here, creating jobs here, treating our waste as a resource and getting smart about how we sort it and how we collect it.

The current government has done a better job of spending the landfill levy than their predecessors. However, I suspect that the report of the Auditor-General, which is due out on Wednesday, will find that there is still more to be spent and more opportunities to use this money to achieve great things.

While I have said many times that I support this bill and the framework it creates, I do have a concern that much of the detail is still yet to be set out in regulations or codes yet to be developed. As always, the devil will be in

the detail. I am concerned that regulations and codes have far less scrutiny than legislation does. I do see a big risk that the good framework created by this bill could be undermined by weak governments in the pocket of polluting industries which have a vested interest to ensure that the EPA is weak and remains weak.

One of the key failings in environmental protection in Victoria has been the EPA's lack of willingness to truly stand up for the environment, made even more difficult by their lack of funding. Now with additional funding and the new strong mandate provided by this bill, I urge the EPA to really claim their role, as the name would suggest, of Victoria's environmental protector. I also call on Labor and the Liberals to ensure the EPA has adequate, long-term and secure funding to really deliver in this role. I would love to see the EPA make a stand in regulating the greenhouse gas emissions of polluting industries. It is absolutely clear that the EPA has this power, yet it is not using it, for example, to phase out the use of coal altogether, as we should be doing. In fact they are not even using their powers to require coal plants to use available technology to minimise or reduce their emissions let alone phase out their emissions entirely. Our coal power stations are still some of the dirtiest and most polluting in the world. They are making people sick, and they are causing climate change. In 2018 we have just experienced the 401st consecutive month of temperatures above average, so clearly we must take strong and immediate action and use every tool possible to tackle climate change, and this includes the EPA.

There are two final points I would like to make in the context of this bill. The first is to call on this government and the EPA to use their existing powers to ban harmful PFAS chemicals. These chemicals were once used in firefighting foam and are a huge threat to public health and the environment. Recently it was revealed that elevated levels of PFAS chemicals have been detected at 16 sites across Victoria — more than we ever thought. The EPA already has the power to prohibit hazardous substances in Victoria. The minister has this power, and she should be using it now.

The second issue I would like to mention in concluding is the call for the adequate regulation of noise, particularly motorcycle and vehicle noise. This is a huge issue for my local electorate of Melbourne, with agencies passing the buck on responsibility between the EPA and the police. It is time for this issue to be properly managed once and for all, and I call on the EPA to take the lead and use their noise regulation powers. I am hoping that this bill will improve their ability to do so, but we also need to look at ways that the police can better manage such noise, which is very

disruptive to local residents and amenity in the city. Overall this bill makes a vast improvement to the current state of the EPA. Whether the EPA actually does its job to protect the environment and our health will come down to the regulations that this minister and future ministers set and whether the EPA is gutsy enough and funded enough to do its job properly. I very much hope that it is.

Mr HOWARD (Buninyong) (18:15) — I am pleased to add my comments in regard to the bill before the house, the Environment Protection Amendment Bill 2018. I note, as others have in speaking on this bill, that this state has been a leading state in terms of recognising the need for us to protect our environment. The Environment Protection Authority Victoria (EPA) commenced way back in 1971 under a former Liberal government, which is interesting to note and good to see. So back then the Liberals did recognise the need to be proactive in protecting our environment and taking action. I do not know whether in the current days they would do such a thing, but certainly back then they did. Ahead of our government being elected in 2014 we announced that we believed it was appropriate to review the functions of the EPA, even though the EPA has certainly done a great job in so many ways. We know that prior to the EPA being established, the Yarra River and other waterways, environmental areas and our air were being polluted by industrial activity in particular and by people who did not appreciate their responsibility in terms of the proper discharge of pollutants and what they could do in terms of reducing pollution. Those matters have been addressed by the EPA. We know that the state and quality of the Yarra, so many other waterways and our air have been significantly improved over recent years.

In regard to the government's commitment, it established an independent inquiry under chair Penny Armytage, Jane Brockington and Janice van Reyk. That panel reported back to the government in 2016. In 2017 — last year — the government did bring forward the first tranche of legislation addressing the changes that had been identified as being appropriate and necessary under the inquiry that was undertaken. As well as that, we recognised that one of the other key problems associated with the EPA was that it needed to be appropriately resourced. We committed an additional \$182.4 million over five years to provide the EPA with greater powers and greater resources to be able to meet its needs into the future.

In terms of this legislation, we are clearly bringing about a number of significant changes to ensure that Victoria stays at the forefront of this issue and has a body such as the EPA that can be proactive and work

positively with industry and other authorities to ensure that we prevent things happening that harm our environment rather than having to respond after things have happened. A key objective of this legislation is for the EPA to be proactive in more or less ensuring that those who have the potential to cause harm with pollution recognise that they have the same responsibility in this area that they do in the occupational health and safety area. Industries have to be up-front and analyse the risks their activities pose regarding occupational health and safety and therefore act to address those risks proactively to keep their workforce safe ahead of time. We are now requiring the same sort of approach to be undertaken by industry regarding the environment by saying that before they undertake activities they have to do the risk management ahead of time and do the preparation to ensure that they address those risks up-front rather than finding out afterwards that they have unwittingly caused some great harm to our environment. That is where this bill is so important.

In regard to a couple of the issues that were raised by the opposition, they have put forward a so-called reasoned amendment, which would simply have the effect of putting off this legislation for another 18 months. As they know, if they try and refer anything to a parliamentary committee, such as the Environment, Natural Resources and Regional Development Committee, at the moment it would not be in a position in our electoral cycle to undertake a full inquiry, knowing that the inquiry would need to be completed by September or October this year. That is simply not possible, so this would then have to roll over into the next Parliament before any committee could report back, and that would take at least a year into the term of the next government. The position put by the member for Ferntree Gully is simply a delaying tactic which is not in any way helpful.

The bill will not be put into play until 1 July 2020, with the new laws in place by December 2020, so that does give plenty of time for the EPA to work through the regulations and the way they will need to set in place all of the necessary procedures to ensure that they act appropriately in the future. To delay that another 18 months or more is simply not acceptable.

One of the most significant issues raised as a concern by the opposition is the issue of third-party rights. The opposition talked about what has happened under the federal environmental protection legislation, where third parties have effectively stopped a number of investments that have been made, and at significant cost. Sometimes that is not necessarily proven to be justifiable. The difference between the proposed

Victorian legislation and the federal legislation is that for any third party to be able to take action to delay progress in a planned industrial development they need to be able to demonstrate a common-law test that would show they would clearly be in a position to be directly affected by this proposed action. That is a significant difference between this legislation and the federal approach.

We recognise that third parties clearly do have a right to be able to take action before the courts where they believe a proposed new industrial development might cause harm to them and their environment, and that is quite reasonable. We would hope that they would not need to do so, because the EPA should be the first authority to work through the licence situation. This bill does allow for greater flexibility in this case, as in many others, to ensure that the licensing is not overly arduous and that it is appropriate to the particular proposal that is put forward. The regulatory approach does allow for flexibility and does enable the EPA to in fact recognise that where an industry have been proactive and have shown that they have worked through the processes they can be rewarded for showing that they have been undertaking their own action and that they can demonstrate they have looked at the risks and have planned for the remediation of any potential risks.

Under this legislation when it comes into place, an effective EPA should be in a position to take action if proposals do not fit within appropriate licensing or are going to act outside what is safe for our community. It should not be necessary for third parties to do that, but we believe it is right for third parties to be able to do so and to be informed. This bill also requires the EPA to be more open and to provide information in terms of the regulations that they are putting in place and the findings on inquiries that they have undertaken.

The other thing I would like to add is that, as I said in my members statement today, I am pleased to see that this government continues to invest in waste management recycling to ensure that as little as possible goes to landfill. Hence I was pleased to be part of an announcement of an investment of half a million dollars for a project which will be undertaken by iGas in Maddingley as a waste-to-energy project. On this side of the house we keep being proactive in supporting our environment, and I am very pleased to support this legislation.

Mr THOMPSON (Sandringham) (18:25) — I am pleased to make a contribution on the Environment Protection Amendment Bill 2018. I note that the member for Ferntree Gully has moved a reasoned amendment which states:

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

I would now like to turn to *Alert Digest* No. 10 of 2018. A number of members from this chamber are on that committee. I note a number of issues that the committee has raised. Some are of greater importance than others. In relation to the possible delayed commencement date, the committee is proposing to write to the minister to bring paragraph A(iii) of the *Practice Note* of the committee to the attention of the minister and to request further information as to the reasons for the possible delayed commencement date. I trust that the Parliament will have that information before it when it is required to vote on the bill.

In relation to paragraph A(iv) of the committee's *Practice Note*, which provides that where a bill provides insufficient or unhelpful explanatory material particularly in respect of rights or freedoms, including the creation of strict or absolute liability offences, the committee expects Parliament to be provided with an explanation as to why this is necessary or desirable. The committee is writing to the minister to bring paragraph A(iv) of the *Practice Note* to her attention and to request further information as to the reasons for the application of strict liability to the above provisions.

In relation to another area, the committee is satisfied that the reversal of the onus of proof in new sections 349, 350 and 351 is reasonable and justified in the circumstances.

Going on to another provision the committee notes, at page 7 of its report in *Alert Digest* No. 10:

The committee observes that the restrictions imposed by the new subsection 88(2) could be considered insufficiently clear given that one or both of the elements of the offence are strict liability and therefore may be committed without the offender's knowledge. An imprisonment resulting from a breach could therefore be considered arbitrary.

The committee concludes:

The committee will write to the minister seeking further information as to whether the new subsection 88(2) will expose a person to arbitrary detention, contrary to s 21(2) of the charter.

There is another interesting element to the report — and I note that a number of members of the committee are from this house and include the members for Pascoe Vale, Sunbury, Oakleigh, Carrum and Hawthorn, the

latter being here in the chamber — which is another concern about the legislation which pertains to:

Freedom of expression — unreasonable noise provisions — impact on artistic expression of musicians and in music venues.

The committee says:

The committee notes that the new sections 166, 167 and 169 respectively prohibit the emission of unreasonable noise from non-residential premises, residential premises and entertainment venues. The new section 168 makes provision for greater penalties for the emission of 'aggravated noise'.

The committee observes that the effect of these new sections, in particular section 169 in respect of entertainment venues, may be to limit the right to artistic expression of performers in entertainment venues and of musicians more broadly.

So it can be seen from the range of concerns regarding the legislation that when the house will be required to vote on these matters it will not be clear.

For approaching 20 years I have been involved in Clean Up Australia Day activities and have managed a site for the greater part of that time, and each year I have been able to bring along a musician who has played a great rendition of the AC/DC number *It's a Long Way to the Top*, and in the case of many residents within the Sandringham electorate it has been a case of it being a long way to the tip. Great work has been undertaken, and I would suggest approaching a thousand bags of rubbish has been moved off the foreshore to improve the environment and amenity of the local district.

In terms of thinking globally and acting locally there have been some great achievements in terms of the environment within my precinct and beyond. I note in the early 1990s the water quality was improved relating to the discharge of water and treated effluent from Mordialloc Creek. Scallop dredging was abolished on Port Phillip Bay, which improved the grasslands and the biodiversity and marine life within the bay and in turn would improve the quality of fish breeding grounds. In relation to the marine sanctuary at Ricketts Point, following studies by the then Environment Conservation Council there were a total of 13 parks and sanctuaries which were recommended to be established along Victoria's coastline.

At the time the bill came to be introduced the Labor Party left two of those precincts out. One was at Cape Howe and another one was at Ricketts Point, and owing to the keen-minded advocacy of the coalition and a compromise arrangement being developed, I am pleased to report to the house that in the case of Beaumaris a marine sanctuary was developed and implemented. I pay tribute to the great work of Bob

Whiteway and Michael Norris and other people who were concerned about the despoliation of marine biodiversity within the intertidal zone at Ricketts Point. I look forward to the results of any transact studies that may be undertaken to evaluate the effectiveness of the establishment of the marine sanctuary at Ricketts Point. The coalition government rebuilt the beach at Hampton. In the space of about a week a major dredging ship, the *Nordsee*, which was in town at the time, worked 24 hours a day for over seven days to pump, from memory, over 200 000 cubic metres of sand onto Hampton beach. The sand there remains and has fulfilled a great role for the community.

At another time the Labor Party was proposing a rock revetment wall along the Sandringham foreshore to protect the cliff face, but thankfully, owing to keen-minded advocacy from many people in the district, that decision was reversed and sand replenishment was seen as the way forward. Conversely, at Half Moon Bay — I had never heard of the idea — the then Labor government proposed that the beach be replenished with sand, but that was not something that had been campaigned for by the local life-saving club, by local recreational anglers or by local foreshore users, and there was concern that if more sand were placed at the beach it could jam up the jetty for recreational anglers and impede the efficacy of that precinct.

There was great work undertaken to protect Cheltenham Road, a great country laneway, from being kerbed and channelled in the lead-up to the Presidents Cup in the late 1990s. There was the protection by the federal member Andrew Robb of the CSIRO land — 4.5 hectares of land — to be used for open space purposes.

There was the great announcement recently by the coalition under the Leader of the Opposition and Brad Rowsell that the Gas and Fuel Corporation land in Highett — 6.5 hectares — would be set aside for open space, recreational ovals and car parking for city commuters, for the people that live in the southern region of Melbourne. There is very little accessible car parking, and that would generate an outstanding outcome for people in the wider district of the southern region of Melbourne and provide much-valued access to sporting fields.

There is the protection of the landside reserve at Ricketts Point, where it was proposed to add car parking to that area. There was good work undertaken by Geoff Connard, a former upper house member, in relation to the Long Hollow Heathland in Beaumaris to better protect the area. Also some of the great features of the coastal region of my electorate are the sight in the

early morning of cormorants streaking across the water just a few metres above the bay, hovering kestrels or gaining an insight into the magnificence of the journeys travelled by the migratory waders from Siberia and China to the area of Port Phillip Bay, and an improved coastal environment, maintaining the quality of the coastal environment, would ensure that it is protected for future generations along with the marvels of nature that live under the water and feed on the produce from the water.

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

Debate adjourned until later this day.

JUSTICE LEGISLATION MISCELLANEOUS AMENDMENT BILL 2018

Second reading

Debate resumed from 21 June; motion of Mr PAKULA (Attorney-General).

Mr PESUTTO (Hawthorn) (18:36) — I am very pleased to be able to rise this evening and speak to the Justice Legislation Miscellaneous Amendment Bill 2018. This is an omnibus bill which comprises, if I am not mistaken, 15 parts, so it covers a wide range of policy areas. Whilst we will not be opposing the bill but reserving our position in the upper house, it is to some extent something of a shame that when bills like this are brought before the house there is insufficient time, even in the extended time as a lead speaker, to do justice to all of the areas of the bill and in particular those which have dealt with issues that are more delicate or more contentious. It is the case that in this bill there are a number of parts which deal with issues which have a lot riding on them. I just do not have the time tonight to address at length all 15 parts. I am aware that subsequent speakers will deal with other aspects of the bill.

Tonight I will be addressing three parts of the bill: changes to the Coroners Act 2008; changes to the Sentencing Act 1991 in respect of attacks on emergency workers; and also the area of estate agents and the urgent need to clarify and correct the operation of the law with respect to commissions. If time permits, I might touch on changes to honorary justices. Albeit briefly, it is worth a comment later on in regard to the bill.

The changes to the Coroners Act have made their way to this house after many years of anguish being experienced by a number of families and in particular two who have been actuated by deep frustration with

the coronial system. Many of us will be familiar with the tragic circumstances of the death of Phoebe Handsjuk — and her mother, Natalie Handsjuk, and grandfather, Lorne Campbell, have been fierce advocates for reform to the Coroners Act, as have been Elizabeth Ryan and Phillip O'Donnell, who are the mother and stepfather of Melissa Ryan, who tragically died while driving her Volkswagen on a freeway some years ago now. Both sets of families have led the charge for reform, much of which is embodied in the bill before the house today — but not all, and I will touch on that in a moment. But I do want to place on record the recognition I think that these two families deserve. They have fought a tough fight in circumstances where I think they were met in the initial stages of their reform efforts with a lot of scepticism about the need for change and a misunderstanding. I am sad to say, of what many families go through when the coronial process is afoot.

I want each of Natalie and Lorne and Liz and Phil to know that their efforts have resulted in real change. I do know that they want further changes and, as an opposition, I have made it clear that the Liberal-Nationals will look in government, should we be elected later this year, to wider reforms than are contained in the bill. But having said that, I think this is an area where families like the Handsjuks and the O'Donnells are more interested in the outcomes and less interested in bickering between major parties. That is, I think in fairness to both major parties, something we have avoided and focused on in just getting some reform which makes appeals processes more user-friendly for those families who genuinely feel aggrieved at coronial outcomes. It will also do much to improve the position of grieving relatives, in particular friends and associates of deceased victims, to have a less searing experience through the coronial process. Liz and Phil and Natalie and Lorne has spoken to me and I know to my counterpart, the Attorney-General, and to others about the real frustrations they have felt in the system when sitting through proceedings and also dealing with coronial authorities. We do need to do more under the Coroners Act to improve the experience of those who are grieving over loved ones and to give them better access to appellate jurisdictions when there are genuine reasons.

We are pretty committed as a Liberal-Nationals coalition to doing more than this bill does, but, having said that, this bill does improve the present position and does so substantively. Whilst I do understand the frustrations that those I have spoken of tonight feel about whether this bill goes far enough, should my colleagues and I form the next government we will go further but, it must be said, we are not prepared to

oppose this bill because it does improve the current situation. We will, as I foreshadowed earlier, reserve our position in the upper house to move any amendments but, whilst I cannot confirm this, my understanding is that inside the government there may be some consideration to further amendments that could be added to the bill which might assuage some of the concerns that Liz and Phil and Natalie and Lorne have had about the extent of these amendments.

There is always the need to balance the imperative of fairer access to appellate jurisdictions out of coronial findings with that important policy objective of trying to deliver finality. None of us, I think it is fair to say, want to open the floodgates so that every coronial decision can be appealed at length so that there is never a final conclusion to the coronial process. To be fair to the Handsjuks and the O'Donnells, that is not what they have been about, and I think they do in fairness appreciate that there needs to be a balance. We think this bill will go some way to improving access to appeal jurisdictions. We await any possible further amendments that the government might have. They might be moved in the other place — I am not too certain about that — but we would be interested in seeing those further amendments. Should they ease access to the appeal courts in a reasonable way, then we are certainly very willing to support those further amendments.

I note that there are some technical amendments that the Coroners Court sought in respect of reportable deaths. We are not opposed to those. It is our expectation that they will improve efficiency in the court's operations, so we will not oppose them.

I want to turn to the more controversial area of sentencing outcomes for attacks on emergency workers. You will recall, Acting Speaker Carbinas, as you were a member of this Parliament back in 2014, that the intention of this Parliament, although I was not a member of this house at that time, was clearly that where there are attacks on emergency workers who are acting in the course of their duties, the perpetrators of those violent assaults and attacks would face minimum sentences, except for circumstances that would fall within a band of special reasons.

The term 'special reasons' connoted that they were not to be normal reasons; they were not to be called upon as of right. It was the expectation of this house, it is fair to say, and I do not believe with any opposition, that anybody found guilty of such a crime would face a minimum term — whether three years, two years or six months, depending on the particular Crimes Act 1958 offence — unless those exceptional circumstances were made out. As we found out over the ensuing years, the

courts simply ignored that. I would argue that they repudiated the intention of this Parliament, which was very clear, and applied special reasons as of right, it would seem.

No-one I know of faced the minimum. Except for one possible case, which I have been unable to confirm, my understanding is that on no occasion did any court who found the perpetrator guilty of an attack on an emergency worker impose the statutory minimum sentence. That was borne out most recently in the tragic case of Paul Judd, who is going to have to live with the injuries of a vicious assault by two perpetrators in circumstances where in the Magistrates Court the perpetrators faced custodial outcomes of eight months and four months respectively only to have those overturned by the County Court so that they would face no custodial time other than a very brief period in detention. That stirred a level of community uproar I have not seen in any case involving a sentence.

In fact I have not seen this level of outrage in cases that have involved more grievous harm — although it is hard to imagine more grievous harm than what Mr Judd faced — and even in cases where sentences for murder and manslaughter have been handed down. It was driven in part by the very thing this Parliament was dealing with in 2014, which was the respect that people have for first responders like paramedics, police officers and other emergency workers — firefighters, Victoria State Emergency Service volunteers, you name it. These people are held in very high regard by all of us. The community was never going to accept the outcome that ensued.

You will recall many weeks ago now, when the issue really dominated the headlines, I on behalf of my colleagues drafted a bill. It was a bill to amend the Sentencing Act to strip down and severely curtail access to special reasons, which was, after all, what this Parliament intended. The bill I had drafted up was ready to go, and I sought leave in this house, you might recall, Acting Speaker, to have this bill presented and debated, and the government knocked it back. I only wish that the government had allowed it, because having seen what is in this bill, I will say that the changes being proposed in this bill go some way to effecting the ultimate objective of the 2014 changes, which was to see statutory minimum sentences imposed. This bill will help with that, but it will by no means guarantee it, and it will by no means ensure that overwhelmingly cases will result in custodial sentences or custodial sentences of any meaningful period. That is because the bill gives with one hand and takes with another. That might be so in the case of mandatory treatment and monitoring orders, which are effectively community correction orders and

which have now widened access to non-custodial orders under the changes.

Under the government's changes in this bill special reasons continue to contain a very open-ended provision where an offender has assisted, or given an undertaking to assist after sentencing, law enforcement authorities in the investigation or prosecution of an offence. That is a special reason, and it is very easy, on the face of it, to access it. My bill, moved on behalf of my colleagues, would have required that the Director of Public Prosecutions or the Chief Commissioner of Victoria Police certify that the assistance has been or will be substantial and has made or will make a significant contribution to the investigation or prosecution of one or more serious offences. The government has not changed that. It is a very easy threshold to satisfy.

In relation to the psychosocial immaturity point, under both provisions — in my bill and the government's bill — that would be repealed. The reliance on mental impairment was far more restricted under my bill than under the government's bill. Under what I was proposing, access to that special reason would be excluded where there was a temporary impairment caused by an external event, such as the consumption of a drug, alcohol or like substance, and where the impaired mental function would result in the offender being subject to unacceptable risk of serious physical or mental harm as a result of imprisonment. The government's changes are far more modest than that, so that special reason will be much more easily accessible under the government's bill.

Importantly, my bill proposed to repeal altogether the special reason that arises where there are substantial and compelling circumstances that justify a wider judicial discretion, because that becomes an open-ended gate which the courts can continually use with ease to ensure that people do not face the statutory minimum sentence. The government's bill proposes to retain that and simply legislates that courts must provide that there are exceptional and compelling circumstances that are exceptional and rare and that justify doing so. The courts are going to be able to drive a bus through that. It is just going to become the new open-ended gate through which perpetrators can travel to avoid the statutory minimum sentence, whether that is for a category 1 or a category 2 offence.

Our bills were very similar in respect of additions to category 1 offences that carry a mandatory custodial term. But remember that for those category 1 offences, if you have a wider range of special reasons, which the government's bill proposes in contrast to mine, then it

is going to be very easy for people to avoid the statutory minimum. Although a custodial sentence might be required, those special reasons are such that I do not expect any sentences of any reasonable length where the court would otherwise have been inclined to want to exercise full judicial discretion to avoid a custodial sentence altogether.

At the end of the day the government's changes do not do what the government said they would do. At the time of the uproar the government made all kinds of sounds to the ambulance employees' union, to Police Association Victoria and to the Victorian people that it would deliver a set of changes that would see these perpetrators do time. That is not the case with this bill, and I worry that it is not going to result in significant change that will satisfy the need, which we recognise, to protect the Victorian people.

I want to turn to the government's proposed amendments to the Estate Agents Act 1980, which are contained in part 7 of the bill. These arise out of very unfortunate circumstances where a commission is not payable where an agent has not used a rebate statement that satisfies the prescriptive requirements of the Estate Agents Act, in particular section 49A. That has resulted in agents facing claims, including many retrospective claims, from clients of theirs who are arguing, correctly under the current law, that because their commission documentation does not contain the prescribed rebate statement those agents are not entitled to commission. This is no minor matter. This runs into the tens of millions of dollars. One agent who has come to see me confided in me that they have around \$45 million at risk because of this quirk of the law.

I do not think it was intended. I do not think this Parliament ever intended that where an agent undertakes work in good faith and secures the required result for a client, they are not entitled to the commission because they did not satisfy a mere technical requirement to contain a rebate statement, when in all other respects there is nothing that the customer or client can cavil with. I do not think anybody seriously looking at this would think that that was the intention of these laws when they were introduced.

We have a situation where we have a case that has been cited in the government's supporting documents, *Advisory Services Pty Ltd v. Augustin*. That is a Court of Appeal decision which required the estate agent to repay the commission in that case, and it has been at the heart of efforts to reform the law. You look at those cases and they make it clear that there is a lot at stake. We strongly support these changes because nothing that these changes will bring in will compromise or

prejudice the rights of a client who otherwise wishes to impugn the work or execution of duties by the agent on their behalf. All this bill does is retrospectively validate the rebate statement because of mere non-compliance with the Estate Agents Act. It does not compromise any other rights a client might have.

There is one issue that the government might need to consider — and I pay tribute to the member for Burwood who raised this point with me — which is that where a party has initiated proceedings and has incurred legal costs in the course of that proceeding, will they be in a worse position and suffer out-of-pocket costs, because this legislation will affect rights of parties whose rights have not yet been determined? Where a party has initiated proceedings to vindicate their rights, even on this technical ground where there are no other grounds for questioning the services provided by an agent, their rights to recover under this provision will be extinguished. The government may need to address the situation where any party faces a detriment by way of legal costs which will be lost because they were vindicating their rights. That is very important.

We have been assured by the government, having raised this issue with them, that the language does what is needed. Agents have come to see me, and there is one in particular who I mentioned before and who is concerned that the drafting does not do what it is intended to do. No-one is arguing that the government does not want to fix the problem; we are all ad idem on that. The agent who has come to see me is arguing that the drafting does not do that, so I ask the government to be open-minded and self-effacing enough to embrace any changes which on reflection it may agree are necessary to ensure that no-one is going to be missing out because of the limited nature of the drafting. I know these issues have been raised directly with the government.

Finally, I just want to address the honorary justices amendments, which will allow retired justices of the peace and bail justices to use the terms JP (Retired) or BJ (Retired). We strongly support these changes. If anything, we have been very concerned about the treatment of bail justices and justices of the peace under this government at the hands of the Department of Justice and Regulation, and in particular the Honorary Justice Office, which has left many honorary justices fuming at their treatment. Let us remember what honorary justices do. They volunteer their services, often at the most inconvenient hours of the day. On many occasions it is in the early hours of the morning when bail justices, for example, will be required and willingly get up and drive hundreds of kilometres to and from a venue to deal with these issues. It is

important that this change proceed, and it is important that the government start listening to honorary justices to hear their concerns. In government, should we be elected, we will certainly be taking up their cause and elevating the position that they occupy in our system of justice because they do such great work.

Mr WYNNE (Minister for Planning) (18:59) — I rise, with the 7 or 8 seconds that I have available to me, to acknowledge that this is a very significant bill.

Business interrupted under sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — The question is:

That the house now adjourns.

Vantage Point Church, Donvale

Mr R. SMITH (Warrandyte) (19:00) — (14 655) Tonight my adjournment matter is directed to the Minister for Families and Children in the other place. Vantage Point Church, Donvale, serves the communities of both Manningham and Maroondah and has as their lived doctrine a strong emphasis on community engagement programs, described by them as having ‘a passion to bring social inclusion to an excluded society, including those who are disenfranchised, disabled or disempowered’. They welcome people from all cultures and backgrounds. Through the leadership of Pastor Phil Linden, Vantage Point Donvale engages with over 160 families, totalling almost 500 people, across the east of Melbourne. Together with their army of volunteers the church delivers a number of crucial programs, including food security programs, disability programs, programs dealing with social isolation and domestic violence programs.

The church gathers on three different days in both Donvale and Lilydale, with each gathering having a special focus. On Sundays there is an all-inclusive gathering featuring a community meal, kids program and opportunities for people to go shopping, stocking up on fresh fruit, vegetables, milk, bread and pantry items. Tuesday night’s Foodbank program, a part of their food security program, is described by the mayor of Manningham, Cr Andrew Conlon, as ‘one of the premier programs in our city’. In over 20 years the food security program has grown to where it now provides 135 families with food security in Manningham and Maroondah, totalling almost \$1 million worth of fresh food and groceries for those families in need.

Wednesday morning meetings offer a safe space for women who have been the subject of trauma and isolation. Sarah, a 21-year-old former drug user and

victim of domestic violence, said, 'If it wasn't for this place' — being Vantage Point Church — 'I don't know where I would go'. Mary, a single mother, says that the Wednesday morning meetings give her 'a new lease on life'. She says that she often 'struggles to buy quality food' and she is 'forever grateful'. Sarah and Mary are just some of the many who have been and continue to be supported by the tireless work of Vantage Point Church. However, with an increase in the number of families and individuals in need of these programs, costs have grown and the need for new infrastructure has become apparent.

Vantage Point Church has called for assistance with a number of new initiatives, including the purchase of a refrigerated van to transport fresh produce; the creation of new partnerships for sustainable food sources; funding assistance for the cost of the food security and social isolation programs; a commercial kitchen to be built in the Reynolds Road property for training and disability engagement; and the creation and maintenance of a support system for children that are dealing with trauma and abuse through the employment of a field expert. These new initiatives have the potential to reach and help hundreds of disenfranchised, disabled or disempowered people not only in Manningham and Maroondah but many more in the outer east. I ask that the minister and her department meet with Pastor Phil Linden of Vantage Point Church to discuss ways in which they could access government grants or other government assistance that could be used to allow Vantage Point Church to continue their amazing and fantastic work.

Craigieburn railway station car parking

Ms SPENCE (Yuroke) (19:03) — (14 656) My adjournment matter is for the Minister for Public Transport, and the action I seek is for the minister to provide an update to me on further opportunities to deliver even more parking options for Craigieburn commuters. The Andrews Labor government is already delivering 869 additional car parking spaces at Craigieburn station. To date 85 extra spaces have been completed, another 39 spaces are currently under construction and funding to build a massive new car park with 745 spaces was included in the recent 2018–19 Victorian budget. These spaces are greatly appreciated by the community, and I appreciate the efforts being made to find additional sites. I thank the minister for her support, and I look forward to sharing her response with the Yuroke community.

Warburton community recreation precinct

Ms McLEISH (Eildon) (19:04) — (14 657) My adjournment matter tonight is directed to the Minister for Local Government, and the action I seek is for the minister to support both Yarra Ranges Shire Council and the Warburton community by funding the Warburton community recreation precinct through the Growing Suburbs Fund. This is much needed and highly anticipated, and the project is shovel ready. For this project to go ahead, the council is requiring a \$900 000 contribution. The site selected is that of the former Warburton swimming pool, and that pool and surrounds have been earmarked for recreation space for quite some time. The pool has been unused for more than 10 years. It is located next to the Warburton Holiday Park, which has had a very good refurbishment quite recently, and the Yarra River, and the space identified has been somewhat of an eyesore because it has been neglected over this last decade.

Community consultation on the project started in December 2015. Locals as well as students from Upper Yarra Secondary College and Warburton and Millwarra primary schools played an active part in the design process. The design that they have arrived at is quite exciting. It includes plans for a water play experience, an open grass recreation area and picnic facilities. People will be able to throw a ball, kick a ball, lay the picnic blanket out and have a lovely afternoon. The upgraded play space will cater for different ages and different abilities, which is very important. The development will give a new life to a run-down part of the town and will encourage people to get out and about and connect with nature. It will have positive impacts on health and wellbeing. Importantly, it will provide another great offering in the town of Warburton. I look at Seville up the road, which has got a water play park that is well patronised. I really look forward to this happening in Warburton.

Unfortunately the government's Growing Suburbs Fund has really diddled the Yarra Ranges shire. It has received \$7.5 million, and only \$625 000 is actually being invested in my electorate. Monbulk has received 60 per cent of the Yarra Ranges share of \$4.473 million. It is interesting if we compare other municipalities close by: Nillumbik has had over \$16 million and Whittlesea has had \$20 million. If we break that down and have a closer look by electorate, we will see that Eltham has received \$11.7 million and Yan Yean \$8.5 million. So you can see how the electorate of Eildon, having only \$625 000 allocated through the Growing Suburbs Fund, really feels quite diddled. So I look forward to the minister looking very favourably on this shovel-ready project, which really

will make a big difference to the town of Warburton. It is a great town and this extra bit of zip down that end of the town will be absolutely well appreciated.

Kyneton bus services

Ms THOMAS (Macedon) (19:07) — (14 658) The matter I wish to raise is for the attention of the Minister for Public Transport, and the action I seek is that the minister work with my community to deliver better bus services for Kyneton. The Kyneton downtown bus network plays an important role in our community, connecting people to key services around town and to the train for work and recreation, but as the Kyneton community grows and changes, its bus services need to evolve with it. While the Andrews government has delivered an additional 38 services on the Bendigo rail line, our existing bus service has not kept up with the growing number of commuters requiring transport to and from the station every day. Additionally, our government has made major investments in Kyneton, including funding for the Cobaw Community Health service's new \$9.7 million healthy community access hub to be co-located with the Kyneton Hospital. Our town needs more frequent services to this brand-new health precinct.

Recent forums hosted by Transport for Victoria in Trentham enabled the government to hear directly from the community about the improved services that they would like to see as well as to have outlined potential solutions to guide government investment in local public transport. I believe a forum for Kyneton and its surrounding communities would be of enormous value in understanding the needs of my constituents. Minister, I look forward to working with you, the community and Transport for Victoria to deliver much-needed and better bus services for the people of Kyneton.

Borong Highway

Ms KEALY (Lowan) (19:08) — (14 659) My question is to the Minister for Roads and Road Safety, and the action that I seek is for the minister to take immediate action to make the Borong Highway safe. The Borong Highway is a major freight route for trucks carrying large loads, including grain, hay and stock. It is also an important domestic and school bus route. However, the road is not fit for purpose. The surface is breaking up in large sections and the shoulders of the road are badly crumbling, with sections of the sideline actually breaking up. Recently rumble strips were laid down the centre of the road. Rather than improving road safety, this has made the road treacherous for users. Trucks must now risk putting their load off balance by travelling off the road in the gravel or along

the crumbling shoulders, therefore putting at risk their load and risking the truck tipping over. Their only alternative is to drive up the centre of the road so that they straddle the rumble strips, and obviously that puts other road users at terrible risk.

The rumble strips have been an abject failure, with large sections lifting and flying up to hit vehicles travelling behind other cars. They are also a terrible risk around motorcyclists using that road, and I have had reports from local road users who have seen these rumble strips lifting and flying up. Obviously if you are a motorcyclist and parts of that rumble strip come in under your helmet, it could potentially result in the loss of your life, which would be an absolute tragedy.

It is clear that those rumble strips were faulty when they were laid. The work needs to be immediately halted and the rumble strips investigated before any further rumble strips are put down. Certainly the community around the Borung Highway and the people who use that section of road are desperate for an improvement. They see this as just an accident waiting to happen. It is such an important local roadway for local users but also as a freight route. I therefore ask the minister to take immediate action to make the Borung Highway safe.

Poath Road–North Road, Hughesdale

Mr DIMOPOULOS (Oakleigh) (19:10) — (14 660) My adjournment matter is for the Minister for Roads and Road Safety. The action that I seek is that this government investigates safety at the intersection of Poath Road and North Road in Hughesdale. This is an incredibly busy location for vehicles and becomes increasingly a problem during peak times. The main issue here is for vehicles exiting Poath Road and turning right into North Road. There are two lanes at the intersection heading southbound on Poath Road. The left lane is for traffic either going straight ahead into Poet Road or turning left into North Road. The right-hand lane is specifically for traffic turning right into North Road. However, vehicles have to wait for traffic crossing the intersection from Poet Road as there is no right-hand turn arrow.

I have been informed of increased risk-taking at this location, including running red lights and dangerous U-turns on busy Poath Road. I would appreciate an investigation of this intersection with a view to improving safety. In addition I would ask that consideration be given to placing clearway signs near the exit to the service station to reduce frustration and allow a better flow of traffic. I look forward to the minister's response and thank him again for his commitment to road safety in Victoria.

Melbourne Farmers Markets

Ms THORPE (Northcote) (19:12) — (14 661) My adjournment matter is for the Minister for Public Transport. The action I seek is that the minister meet with Melbourne Farmers Markets and support their establishment of an important new community food hub, including providing appropriate compensation for the impact of the Grange Road level crossing removal on this important local and sustainable enterprise.

Alphington Farmers Market is located 500 metres from the Grange Road level crossing removal site. With no warning, in March this year Melbourne Farmers Markets discovered the intention of the Level Crossing Removal Authority to immediately occupy the Alphington railway station car park, located opposite their business, as one of their construction depots. While other businesses in the area were consulted and supported by the Level Crossing Removal Authority, Melbourne Farmers Markets was completely left out. They were not even informed of the likely work impacts ahead of the works commencing just metres from their site. The impacts on them were significant.

The noise and machinery and the road use were extremely disruptive to the running of the business. Huge trucks and staff vehicles were parked on nature strips, across driveways and on street kerbs for weeks. Because of the construction depot, Melbourne Farmers Markets had no choice but to delay the start of their weekly market by six weeks, causing a loss of approximately \$25 000 in income, reversing months of planning and leaving staff and stallholders without work. Despite this, Melbourne Farmers Markets generously offered their car park and toilets for the contractors to use day and night to ease congestion on the street and to provide facilities where the site did not.

Eventually the authority did respond to their requests to discuss this and they were encouraged to propose a compensatory solution. They came up with a mutually beneficial partnership with a creative social enterprise, TRY Australia, on site, which included funding for a portable container kitchen and accessible toilet. This and every effort since has been refused by the authority, despite the clear and shared benefits for the local community. A letter they sent to the minister has also gone unanswered so far.

Bonshaw Early Learning Centre

Mr HOWARD (Buninyong) (19:14) — (14 662) I raise an issue with the Minister for Early Childhood Education, who is of course a minister in the other house. I ask the minister to come to Ballarat to formally

open the new Bonshaw Early Learning Centre. This is a kindergarten that we committed to ahead of the last election, and it has been very exciting to see that we committed \$1.6 million to this kindergarten in Sebastopol. It is terrific to see that it has now been constructed. It was built in modular form and brought to the site late last year, and then through the early part of this year they have been setting it in place. It is a source of great excitement to the families in the Sebastopol area and again is an indication of our government's commitment to supporting early childhood education and extending opportunities for early childhood education across our region in good modern facilities.

This new facility has two rooms, with 66 places available for three and four-year-old kinder kids, maternal and child health consulting rooms and a multipurpose community play space. I was really pleased when I was able to look through it after the modules were put in place and before it was completed. Clearly it is going to be a source of excitement to the people of the Sebastopol area. I hope the minister will be able to come up very soon to formally open this facility. It has now been put to use, so families are enjoying using it, but I hope the minister will come to Ballarat soon to formally open this terrific facility.

Inglewood police accommodation

Ms STALEY (Ripon) (19:16) — (14 663) My adjournment matter is for the Minister for Police. The action I seek is that she respond positively to the letter sent by the Loddon Shire Council chief executive officer on 4 July requesting updated residential accommodation in Inglewood for police. The Loddon shire was compelled to write to the minister after its meeting on 26 June because the Inglewood community has a strong preference for a police officer to reside in Inglewood. However, the council understands that the standard of accommodation at the current police house is a deterrent to that occurring and is asking for updated residential accommodation in Inglewood.

I take this opportunity in the light of raising a matter for the Minister for Police to note that recently the shadow Minister for Police came to Ripon and the coalition announced that if it forms government, it will build a new police station in Creswick. We take the safety and security of the residents of Ripon very seriously, and we have now started a program of looking to upgrade facilities across Ripon, starting with building a new police station in Creswick to replace one that is well past its use-by date, given Creswick has massively increased in size since it was built.

I also note that under the current government crime across Ripon remains stubbornly high and well above levels experienced under the previous government. There are far too many carjackings and there are far too many assaults, and just yesterday in the Ballarat region two police officers had their cars rammed. Clearly this government is not in control of crime across the region and they need to do far more to improve their record. We see that crime is still up significantly in Ballarat, and no matter what this government might try and spin about this, we have not seen the levels of crime that we had under the previous government. They are still well ahead of that.

It is time that the government took seriously the effects of crime on the victims and on their families across the region. Clearly they have not done that, because we have fewer police on the beat across the region than we did in 2014. There are 14 fewer police across the region, and it is about time that those police were put back on the beat, back where they are needed, rather than us continuing to see the increases in crime across the region because this government has failed to act.

Diamond Valley College

Ms GREEN (Yan Yean) (19:19) — (14 664) My adjournment this evening is for the Minister for Education, and the action I seek is for him to assist Diamond Valley College to grow its facilities to help the college realise its objective to be a sports academy. From 2019 the college is set to offer elite programs to prospective students and existing students in football, netball, basketball and gymnastics. I know that the minister knows the college well, as he has visited many times, not just as the Minister for Education and Deputy Premier but also during the Bracks and Brumby governments, when he was the Minister for Sport, Recreation and Youth Affairs. He was pivotal in pulling together the funding for the Community Bank Stadium, which is co-located with the college and which is now essential to the college's ability to offer these elite programs.

The next step is to convert the college's rabbit-ridden playing fields, which are shared with Diamond Creek East Primary School next door, to synthetic, which would open the door for the college to offer soccer, hockey and track and field. The added community benefit, the spin-offs, would include usage by Diamond Creek East Primary School and Nillumbik Junior Soccer Club — Nillumbik council has identified an acute shortage of soccer pitches. Diamond Creek Little Athletics and Yarrambat Plenty Little Athletics currently have to travel to Banyule to a facility, and they would be able to use a running track at Diamond Valley College,

as would the Diamond Creek Runners. The benefits for these community groups would be immeasurable.

Imagine my shock at this. I believe the Nillumbik council was going to submit an application to the Growing Suburbs Fund for this synthetic pitch. It was actively supported by the local ward councillor, Peter Perkins. I immediately said yes to supporting an application. It had previously been identified that a soccer pitch was to be established by council on the old pony club grounds. They have now said they want to put a regional playground there, which I welcome. In return I said simply, 'Let's put the soccer pitch at Diamond Valley College, and we will have these broader benefits and competitions, not only for community use but for school use'. Sadly the proposal from Cr Perkins went down by one vote. The opposition was led by the mayor, Cr Peter Clarke, who described this as my pet project. A misogynistic hatred of a female Labor MP should never get in the way of what is needed for community use, and I urge the minister to assist Diamond Valley College.

Responses

Mr WYNNE (Minister for Planning) (19:22) — We welcome the Venturers here tonight. Good on you. It is good to see you here. I have been under extraordinary duress here tonight as I am only filling in for the Minister for Police, so I am feeling very anxious about all this. Can I start with the member for Warrandyte, who raised a matter for the Minister for Families and Children in relation to the Vantage Point Church and is seeking that the minister provide further support to the important social services provided there, particularly for people experiencing social isolation and food insecurity. I will make sure the minister is aware of that.

The member for Yuroke raised a matter for the Minister for Public Transport in relation to further car parking provisions in Craigieburn. I will make sure the minister is aware of that matter. The member for Eildon raised a matter for the Minister for Local Government in relation to supporting Yarra Ranges Shire Council in the refurbishment of the Warburton pool — which I actually know quite well, and it is a beautiful part of the world up there — through the Growing Suburbs Fund. It sounds like a very interesting project.

The member for Macedon raised a matter for the Minister for Public Transport in relation to enhanced bus services for the Kyneton area, and we will make sure she is aware of that. The member for Lowan raised a matter for the Minister for Roads and Road Safety in relation to an upgrade of what she regards as a very unsafe road which is particularly used for freight but

also for bus services, the Borung Highway, and I will make sure the minister is aware of that.

The member for Oakleigh raised a matter for the Minister for Roads and Road Safety in relation to concerns that he expressed around a very dangerous intersection at Poath Road and North Road, and I will make sure the minister is aware of that. The member for Northcote raised a matter for the Minister for Public Transport in relation to the Alphington Farmers Market and what she regards as being a disruption to the activities of the farmers market due to the important works that have been done on expanding the Chandler Highway bridge.

The member for Buninyong raised a matter for the Minister for Early Childhood Education in relation to opening an important community facility at Sebastopol, and I am sure the minister will take up that invitation. The member for Ripon raised a matter for the Minister for Police in relation to providing further police resources at Inglewood, and I will make sure that the minister is aware of that. Finally, the hardworking member for Yan Yean raised a matter for the Minister for Education in relation to Diamond Valley College, particularly the upgrading of much-needed sports facilities, and I will make sure that the minister is aware of that matter as well.

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

House adjourned 7.26 p.m.

